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PAPERS

RELATING TO

East India Affairs.

(MADRAS ARMY.)

108333

Ordered, by The Houſe of Commons, *to be printed,*
25 *May* 1810.

300.—alſo—310 to 320.

LIST of the following PAPERS.

[N.B.—*These Papers having been presented in separate Parcels, are so printed; and therefore the respective pages to each cannot be here specifically referred to; but their particular character, as below described, are marked on the margin throughout each Paper, which will readily distinguish them.*]

VIZ.

Publication of GENERAL ORDERS, by Lieut. General M'Dowall, 28th January 1809.

ALSO,

[No. 1.]

Copies of LETTERS from the Governor in Council at Fort St. George, to the Court of Directors of the East India Company;—in the MILITARY DEPARTMENT;—dated the 29th and 31st January, and 3d and 28th February 1809: With their several Enclosures.

[No. 2. A.]

Copies of LETTERS from the GOVERNOR in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors;—dated the 13th May, and 6th September 1809:—Together with sundry Enclosures in the said Letters.

[No. 2. B.]

Copy of a *LETTER* from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors; dated 10th September 1809:—With sundry Enclosures.

[No. 2. C.]

Further ENCLOSURES in the General Letter of 10th September 1809, from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

[No. 2. D.]

Further ENCLOSURES in the General Letter of 10th September 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the Secret Committee of the Court of Directors.

[No. 2. E.]

Further ENCLOSURES in the General Letter of 10th September 1809, from the Governor in Council at Fort St. George, to the Secret Committee of the Court of Directors.

Further

[No. 2. F.]

Further ENCLOSURES in the General Letter of 10th September 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

[No. 3.]

Copies of LETTERS from the Chief Secretary of the Government of Fort St. George, to the Secretary of the East India Company; in the SECRET DEPARTMENT; dated the 27th May, and 28th and 29th June, 1809;—With their Enclosures.

[No. 4.]

Copy of a LETTER from the GOVERNOR GENERAL to the SECRET COMMITTEE; dated Fort St. George, 12th October 1809:—With its Enclosures.

[No. 5.]

Copies of LETTERS from the Court of Directors to the Governor in Council at Fort St. George in the MILITARY DEPARTMENT; dated the 15th and 29th September 1809, and 7th February and 1st May 1810.

[No. 6.]

No. 1.—Letter from the GOVERNOR in COUNCIL of Fort St. George to the SECRET COMMITTEE of the Court of Directors; dated 28th February 1809.

No. 2.—Letter from the CHIEF SECRETARY at Fort St. George, to Mr. SECRETARY RAMSAY; dated 15th May 1809:—With two Enclosures.

No. 3.—Ditto from Ditto, 15th May 1809:—With four Enclosures.

No. 4.—Letter from Lord MINTO, dated Fort St. George, 15th September 1809, to the CHAIRMAN of the East India Company.

No. 5.—Letter from the CHIEF SECRETARY at Fort St. George to Mr. SECRETARY RAMSAY; dated 7th October 1809:—With one Enclosure.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

No. 1.—RETURN to an Order of The Houſe, for Copies of Letters of the Governor General to the Chairman; of April and October 1809.

No. 2.—LETTER from the Governor General to the Chairman; of 21ſt October 1809:—Incloſing,

No. 3.—REPORT, made by the principal Clerk in the Adjutant General's Office, of the mode adopted for the publication of the General Order, of the 28th January 1809.

Ordered, by The Houſe of Commons, *to be printed*, 25th *May* 1810.

—No. 1.—

RETURN to an Order of the Honourable Houſe of Commons, of date 4th May 1810;—requiring Copies of Letters of the Governor General to the Chairman, dated 21ſt April and 21ſt October 1809; with their Encloſures.

Publication of General Orders.

NO Letter from the Governor General to the Chairman, dated 21ſt April 1809, has been received.

India Board Office,
22d May 1810.

—No. 2.—

Copy of a Letter from the Governor General to the Chairman of the Eaſt India Company, dated Madras, 21ſt October 1809; together with Copy of a Report made by the principal Clerk in the Adjutant General's Office, of the mode adopted for the Publication of the General Order of the 28th January 1809;—which Report is referred to in the ſaid Letter of date 21ſt October 1809, and was encloſed in a private Letter from Lord Minto to Charles Grant, Eſq.

India Board Office, Whitehall,
22d May 1810.

My dear Sir, Madras, 21ſt October 1809.

I HAVE encloſed, in another Letter of this date, the Report* made by the principal Clerk in the Adjutant General's Office, of the mode adopted for the publication of the General Order 28th January: But I have not mentioned, that it is entirely contrary to uſage, to circulate General Orders in manuſcript; they are always printed at Madras, which occaſions ſome delay, and ſubjects them to the poſſible obſervation of Government, through the Government Printer. The General Orders were diſpatched to *all* the Stations on the *Saturday* and *Sunday*. The printed Copy was not ſent to the Governor till the Monday. I have the honour to be,

My dear Sir,
Sincerely and faithfully Your's,

Chairman of the Eaſt India Company, MINTO.
&c. &c. &c.

* The above-mentioned Report (which is hereunto annexed) was encloſed in a private Letter from Lord Minto to Charles Grant, Eſq.

PAPERS relating to

—No. 3.—

Publication of General Orders.

Copy of the REPORT, made by the principal Clerk in the Adjutant General's Office, of the mode adopted for the Publication of the General Order of the 28th January 1809.

Madras, 8th September 1809.

HAVING received the commands of Lieut. Colonel Conway, Adjutant General of the Army, to ſtate as minutely as poſſible every circumſtance relative to the iſſue of the General Order by Lieut. General M'Dowall, dated 28th January 1809; and which has ſince been expunged from the Records of the Army by Order of Government; I proceed to make that Statement, truſting entirely to a very indifferent memory, having made no Memoranda at the time of any circumſtances that might guide me, as I had not then the ſmalleſt idea that I ſhould at any future period be called upon to make this Declaration.

On Saturday the 28th January 1809, about four o'clock in the afternoon, a Manuſcript Order, written in the hand of Lieut. General M'Dowall, with Inſtructions ſubjoined at the bottom to Lieut. Col. Capper, to ſend off as many copies of that Order as poſſible the ſame night to the principal Stations, was delivered to me by (I think) Major Boles, and by whom I was directed to prepare the uſual copy for the preſs, and thoſe for circulation. That for the preſs was ſent; and others were by that night's poſt tranſmitted to the Officers commanding

Southern Diviſion of the Army,
Nizam's Subſidiary Force,
Northern Diviſion of the Army,
Malabar and Canara,
Travancore,
Ceded Diſtrict
Vellore,
Arcot,
Wallajaubad,
Maſulipatam,
Trichinopoly,
Seringapatam, and
Bangalore.

On the day following (Sunday the 29th January laſt) copies were alſo prepared, and the ſame day ſent to the Officers commanding at

St. Thomas's Mount,
2d Battalion Pioneers, Bombay,
Poonah Subſidiary Force,
Province of Tinnevelly,
Col. Gibb's Detachment,
Southern Force.

On the laſt-mentioned day Lieut. General M'Dowall was to embark for Europe; in the forenoon, or early in the afternoon, Lieut. Col. Capper left the Office; and a conſiderable time afterwards Major Boles and Captain M'Dowall quitted it alſo, for the purpoſe of attending the General. After their departure, I diſmiſſed the Writers for the day, locked the Office, and walked towards the Parade. After the general parade had paſſed, I returned towards the Office, conſidering as it was early in the day and a very buſy time, that ſomething might occur. I was overtaken by an Orderly, who ſaid he was ſent to direct me to open the Office; I haſtened to do ſo, and ſoon after Major Boles and Captain M'Dowall returned, the former having in his hand a parcel of printed Orders, which I believe had been delivered to him by the Peon on the parade; theſe were the Orders of 28th January, and I received inſtructions to forward them by the Tappall of that night: Major Boles and Captain M'Dowall ſat down to ſign them, I prepared the covers, entered them in the Poſt-book, and they were diſpatched.

On Monday morning the 30th January, on looking for a printed Copy of the Orders to ſend to the Honourable the Governor, for publication in the Garriſon of Fort St. George, to my utter aſtoniſhment I found every one of thoſe ſent from the preſs had been ſigned the night before; and as Lieutenant Colonel Capper, when at Madras,

Publication of General Orders.

Madras, made it a point at all times of ſending the Orders to the Governor himſelf, I was perfectly at a loſs how to act. When Lieutenant Col. Capper came to the Office, I mentioned to him what I have here ſtated; he appeared rather angry, and ſaid it was very improper that the Order intended for the Governor ſhould bear the ſignature of any other Officer than himſelf when he was preſent, and pauſed for ſome time. I offered to prepare a manuſcript Copy; this he would not allow, as it was not cuſtomary; the Colonel then wrote the uſual note which accompanies the Orders for the Honourable the Governor, to whom it was ſent.

That this Declaration may appear as explicit as poſſible, I beg leave to account for the Adjutant General's Office being opened, and all the Writers having attended on Sunday the 29th January, by ſtating that ſuch is always the cuſtom at the period of diſpatching the fleet for Europe. It may alſo appear extraordinary that I ſhould be ſo very accurate in my Statement as to the preciſe Stations, to which the manuſcript General Order was ſent on Saturday the 28th and Sunday the 29th January; this knowledge is acquired from the Office Poſt Book, in which, oppoſite to the addreſs of each of the Officers commanding thoſe Stations, I cauſed at the time to be inſerted as a memorandum, the letters *M. G. O.* (inſtead of G. O. as is cuſtomary in tranſmitting General Orders); and I beg leave to declare, that without this reference I could not have pointed out the Stations to which the manuſcript General Order was ſent.

(Signed) JN° GREEN,
Conductor of Ordnance,
Head Clerk, Adj^t Gen^l^ Office.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

Publication of

GENERAL ORDERS.

Ordered, by The Houſe of Commons, *to be printed,*
25th *May* 1810.

[No. 1.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS;

VIZ.

Copies of Letters from the Governor in Council at Fort St. George, to the Court of Directors of the East India Company;—in the MILITARY DEPARTMENT;—dated the 29th and 31st January, and 3d and 28th February, 1809:—With their several Enclosures.

Ordered, by The House of Commons, *to be printed, 25th May* 1810.

Fort St. George—Military Department.

No. 1.—GENERAL LETTER, 29th January 1809.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England, trading to the East Indies.

Honourable Sirs,

Para. 1. YOUR honourable Court have been already informed that Lieutenant General Hay Macdowall had intimated his intention of resigning the command of the Army of this Presidency, and of proceeding to England.

2.—Lieutenant General Macdowall having addressed to us a letter, explaining the circumstances which have led to his resignation, we have the honour to forward a copy of that letter to your honourable Court. Cons. 17th Jan. 1809.

3.—It would not be consistent with our duty to discuss in this dispatch the question whether it may be advisable, or otherwise, that the Commander in Chief at Fort St. George should have a seat in Council; but we can have no hesitation in stating, that we consider the sentiments expressed by Lieutenant General Macdowall, relative to the nature of the duties of the Commander in Chief, to be erroneous; and above all, we must consider the supposition of the Commander in Chief being viewed in the light of a "representative" of the Army, to be unconstitutional, and radically inconsistent with the established principles of the British Government in this country.

4.—We shall not deem it necessary to submit any explanation on the other points adverted to in a letter of the Commander in Chief, unless your honourable Court should require farther explanation.

5.—We are concerned to bring under the attention of your honourable Court, a circumstance which has occasioned considerable embarrassment to this Government, and extreme injury to the established order of the public service.

6.—Your honourable Court are aware that one of the most essential objects of reduction, which was effected on the late revision of the military expenditure of this Presidency, was the discontinuance of the Tent Contract; a measure calculated to effect a great public saving, and to give an increased degree of efficiency to the department of camp equipage.

7.—On reference to the papers which were brought under the attention of your honourable Court with the letter of this Government, dated on 21st October 1807, you will have perceived that the discontinuance of the tent contract was founded on a suggestion of the Quarter-master General, who, having been called upon in a confidential Pub. Dep.

[No. 1.] Gen. Letter Mil. Dep. 29 Jan. 1809.

fidential communication from the late Commander in Chief Sir John Cradock, for his ſentiments, ſtated his opinion regarding the operation of the tent contract in a very intelligent and able report. This paper was laid by the late Commander in Chief before the Government, in a Minute dated 30th June 1807; and Sir John Cradock at the ſame time expreſſed his entire concurrence in the concluſions drawn by the Quarter-maſter General, ſtating that they were "the reſult of their joint reflection upon the ſubject."

8.—The propoſed meaſure of annulling the tent contract having been fully conſidered by this Government, was approved and recommended to the Supreme Government, who, after expreſſing entire concurrence in the opinions which had been ſtated, deſired that the meaſure ſhould be carried into effect.

9.—The orders for the abolition of the tent contract were publiſhed in the month of May laſt, and the ſyſtem of ſupplying the camp equipage of the Army, under the direction of the officers of the Government, has been accordingly carried into effect. In proportion, however, as the improved ſyſtem has been beneficial for the public intereſts, it has been adverſe to the intereſts of individual officers, as the advantages derived by the officers commanding native corps under the operation of the contract were conſiderable; and the effect has been, that, aided by collateral circumſtances, the adoption of the improved ſyſtem has excited in the Army of this Preſidency a great degree of clamour.

10.—We have ſtated the circumſtances under which the ſuggeſtion on this ſubject was ſubmitted by the Quarter-maſter General of the Army, and this officer having been in conſequence choſen as the object of obloquy, certain officers commanding native corps proceeded to the extremity of preferring direct charges againſt him, on the grounds of the opinion which he had ſtated in his official capacity, and conveyed under the ſanction of a confidential communication to the late Commander in Chief.

11.—It is proper to ſtate to your honourable Court, that Lieutenant Colonel Munro, the Quarter-maſter General of the Army, is an officer of great merit and talents. He has, for a long period of time, filled the principal military ſtaff ſituations at the Preſidency; and it is probable that his Reports on various ſubjects of military arrangements will have attracted your obſervation, from the degree of perſpicuity and ability by which they are diſtinguiſhed. It is on the ſuggeſtion of Lieut. Colonel Munro, that a great part of the improvements lately effected in our military eſtabliſhment have originated, and we are juſtified in ſtating to your honourable Court, that we conſider the ſervices of that officer to have been of the greateſt value and importance.

12.—The charges againſt the Quarter-maſter General of the Army, to which we have adverted, were, we underſtand, forwarded to the head quarters of the Army about three months ago; and though we were not uninformed of this fact, we concluded that due means would be taken by the Commander in Chief to ſuppreſs ſuch factious proceedings, and we did not doubt that the Quarter-maſter General would receive the protection which, in common with every public officer who is faithful in the fulfilment of his duty, he had an undoubted right to expect.

13.—In theſe circumſtances we received within theſe few days, with great ſurprize, a letter from Lieutenant Colonel Munro, ſtating, that he had been ordered in arreſt by the Commander in Chief on the ground of the charges in queſtion, and calling our attention to the extraordinary ſituation in which he was placed by this meaſure, and to the probable effect which it would have by bringing under trial the public meaſures of the Government. The letter of Lieutenant Colonel Munro contains ſo forcible and true an appeal, regarding the general conſequence of the meaſure, that we requeſt your particular reference to that paper.

Conſ. 27th Jan.

14.—We thought it proper, on receiving the above repreſentation, to make known to the Commander in Chief the painful feelings which the event had excited. It was ſuggeſted in the moſt earneſt manner for his conſideration, that the act on which it appeared that the charges preferred againſt Lieutenant Colonel Munro had been founded, was now the act of the Government, having been approved and adopted in the moſt public and formal manner. We were therefore called upon to ſtate, that we could never give our concurrence to the expoſure of a public officer to obloquy and degradation, for opinions expreſſed by him in the fulfilment of his public duty, approved and confirmed as thoſe opinions had been by every competent authority.

D° D° D° D°

15.—It

15.—It was ſtated to the Commander in Chief, that we had looked in vain for any juſt cauſe of complaint, that it might be poſſible by any conſtruction to attach to the opinions conveyed in the report of the Quarter-maſter General, and that this conſideration muſt add to the weight of public obligation impoſed on this Government, to give its firmeſt ſupport to an officer againſt whom no other charge was apparently imputable, than that ariſing from the faithful and conſcientious performance of his public truſt. [No. 1.] Gen. Letter Mil. Dep. 29 Jan. 1809.

16.—It being impoſſible that the conduct of Lieutenant Colonel Munro could be ſubmitted to the cognizance of a court-martial, on the charges which had been preferred, without involving a diſcuſſion and trial of the public meaſures of the late Commander in Chief of the Government of Fort St. George, as alſo of the Supreme Government. We had a right to have expected a previous communication from the Commander in Chief on this important queſtion; and we could not but deeply feel the ſentiments derogatory to the character and authority of the government, which had been expreſſed by the Commander in Chief in a part of the papers connected with the meaſure under conſideration. The Commander in Chief was however informed, that we were diſpoſed to waive all conſiderations of that nature, and our views being ſolely directed to the means beſt calculated to preſerve the foundations of public confidence and of public authority, our communication was limited to an earneſt recommendation, that Lieutenant Colonel Munro ſhould be releaſed from the arreſt to which he had been ſubjected.

17.—We had, previouſly to addreſſing the above letter to the Commander in Chief, required the opinion of the Advocate General, as to the validity which could be conſidered to be attached to charges preferred under the circumſtances which we have ſtated, and the courſe which it might be competent to the Government to adopt. We deſired the Advocate General to communicate with Lieutenant Colonel Leith, the Judge Advocate General, on the queſtion. Conſ. 27th Jan.

18.—The report of the Advocate General was clear and concluſive. He ſtated, that Lieutenant Colonel Munro had been bound by every legal tie and public obligation to adviſe the queſtion on which his opinion had been required, according to his conſcience, and the beſt of his judgment; that if the adviſers of any public authority were to be amenable to the individuals affected by the advice given, no man could do his public duty with ſafety; that the opinion given by the Quarter-maſter General, had been entirely founded on general reaſoning, and had no reference to any individual character; and finally, that Lieutenant Colonel Munro was entitled to the decided ſupport and protection of the authorities under which he acted, to prevent his being brought to trial on the charges preferred againſt him. D° D° D° D°

19.—The Advocate General concluded his report by ſtating, that he had no doubt of the right of the Government to interpoſe its authority, if neceſſary, by diſcharging Lieutenant Colonel Munro from arreſt, or by adopting ſuch other meaſures as the exigency of the caſe might require.

20.—The Advocate General, with the concurrence of the Judge Advocate General, laid before us a copy of a letter which Lieutenant Colonel Leith had addreſſed to the Adjutant General, when called upon at the deſire of the Commander in Chief to ſtate his opinion regarding the charges which had been adduced. The queſtion was diſcuſſed in that paper with great knowledge and ability, and in a manner impreſſive of conviction, as to the accuracy of the grounds on which the concluſions drawn by Lieutenant Colonel Leith were founded. The reſult of theſe concluſions was, that the charges were of an illegal nature, and that it would be unjuſt and improper that the conduct of Lieutenant Colonel Munro ſhould be ſubmitted to the cognizance of a court-martial. D° D° D° D°

21.—We confeſs that we entertained conſiderable ſurprize, that the Commander in Chief ſhould, after ſo clear and decided an opinion had been ſtated by his principal legal adviſer, have reſorted to the extreme meaſure of ordering the Quarter-maſter General under arreſt. Having however conveyed to the Commander in Chief the explanation of our ſentiments, in the manner in which we have ſtated, fortified as that explanation was by the ſtrongeſt legal authorities, we could entertain no doubt of a compliance with our recommendation for the removal of the arreſt, a recommendation founded on the cleareſt principles of public order and juſtice. D° D° D° D°

22.—In this expectation however we were diſappointed, the Commander in Chief having refuſed to releaſe Lieutenant Colonel Munro from arreſt, and having even ſtated D° D° D° D°

[No. 1.] Gen. Letter Mil. Dep. 29 Jan. 1809.

ſtated his intention of ordering an additional charge to be preferred againſt that officer, on the ground of his having ſubmitted an appeal to the Government, without which appeal, it is proper to obſerve, that we ſhould have had no authentic information of the circumſtances of the caſe, until the conduct of Lieutenant Colonel Munro, and with it the proceedings and orders of the Government, had been brought before a military tribunal for deciſion.

23.—We could not alſo but feel, that the whole of this proceeding was extremely aggravated, by the circumſtance of the Commander in Chief having withheld all acknowledgment for the very offenſive expreſſions uſed towards the Government, in a letter addreſſed by the Commander in Chief to the Quarter-maſter General, and which formed one of the documents ſubmitted, with the reference of that officer.

24.—We know not what meaſure it might have been our duty to have adopted under ſuch circumſtances. But after mature conſideration, we determined to make known to the Commander in Chief, that we conſidered the terms of our recommendation, regarding the removal of the arreſt, to be equivalent to an order, and we requeſted to be informed if it was the Commander in Chief's intention to decline a compliance with the requiſition under that explanation.

Conf. 7th Jan.

25.—This led to a farther letter from the Commander in Chief, in which he expreſſed himſelf prepared to conform to an order for the removal of the arreſt; but he proteſted againſt the meaſure, on the grounds ſtated in the letter to which we refer.

26.—In the view which we have explained of this caſe, we could not heſitate to enforce the authority, which we conſidered ourſelves to have been legally entitled to exerciſe, under circumſtances of ſuch extraordinary emergency, and we accordingly directed that Lieutenant Colonel Munro ſhould be releaſed from his arreſt.

27.—We ſhould not in ordinary circumſtances have adopted a meaſure of this nature, but we are ſatisfied that a more fatal ſhock to the public authority could not have been experienced, than in permitting the charges which had been preferred by the Commander in Chief againſt Lieutenant Colonel Munro to be brought under the inveſtigation of a court-martial. This meaſure would have involved in its immediate effect, under circumſtances of the moſt offenſive nature, the degradation of the public acts and character of the Government, the annihilation of all confidence on the part of its public officers, and the utter confuſion of the departments under its authority.

28.—With regard to the individual merits of the queſtion, the circumſtance of permitting a meritorious officer to be brought to trial for the correct and able performance of a duty impoſed on him by his ſuperiors, muſt have been repugnant to every feeling of honour, and every principle of juſtice. Being ſatisfied that every praiſe, and not cenſure, was due to Lieutenant Colonel Munro, that officer had an unqueſtionable right to look for protection againſt the act of injury to which he had became expoſed, in the zealous and honourable execution of the duties of his ſtation.

D° D°

29.—We ſhould exhauſt the patience of your honourable Court, in ſtating the lengthened arguments which occurred on this important queſtion; but in referring you to our records, we are ſatisfied that farther comment from us cannot be neceſſary. We lament the neceſſity which has occurred for our interference with the ordinary exerciſe of the powers of the Commander in Chief, but we have no doubt that the urgency of the caſe muſt, in the judgment of your honourable Court, amply juſtify the meaſure.

No. 28. D° to Conſ. 29 Jan.

30.—We have the honour to acquaint you, that ſince the releaſe of Lieutenant Colonel Munro from arreſt, the Commander in Chief has forwarded a memorial, which had been addreſſed to your honourable Court by ſeveral officers of the Army, regarding the diſcontinuance of the tent contract. It appears from that memorial, that the officers who had preferred the charges againſt the Quarter-maſter General of the Army, had, in conſequence of the declared ſentiments of the Judge Advocate General regarding their illegality, requeſted that the Commander in Chief would ſuſpend the proſecution of them, and in addition to the numerous objections which we have ſtated againſt that meaſure, it appears, according to our conception of the caſe,

caſe, that this fact ſhould have been deciſive, as to the utter inexpediency of adopting it. [No. 1.]

31.—As we conſider it eſſential to the diſcipline and good order of the Army that this queſtion ſhould not be farther agitated, we informed the Commander in Chief, that the ſubject having been diſpoſed of by the orders which had been iſſued regarding the arreſt, the tranſmiſſion of the memorial would be objectionable and improper, and it was accordingly returned. Gen. Letter Mil. Dep. 29 Jan. 1809. No. 29.

32.—We are under the neceſſity of drawing your attention to a farther memorial, which has been addreſſed to your honourable Court by a conſiderable number of the officers of the Company's Army on this eſtabliſhment, on the ſubject of the military allowances, and laid before us by Lieutenant General Macdowall, with a ſtrong recommendation conveyed in a letter, to which we refer you. Conſ. 27th Jan. No. 26.

33.—It is proper to acquaint you, that ſome months ago our Preſident was informed, that a propoſed addreſs to the Supreme Government was in circulation at ſeveral of the military ſtations under this Preſidency, in which an application was ſtated, that the allowances of the officers of this Eſtabliſhment ſhould be put on the ſame footing as thoſe of the officers in Bengal. As ſuch a meaſure would in the preſent ſtate of the finances of the Company be attended with effects of the moſt injurious nature, as there appeared no good ground for the propoſed application, and as the circumſtance of an addreſs of that nature being circulated to the Army was in the higheſt degree unmilitary and improper, our Preſident expreſſed theſe ſentiments in a private letter to the Commander in Chief, who made correſponding communication to the officers commanding the principal military ſtations (in a private form) requiring them to adopt the moſt effectual meaſures for ſtopping ſuch proceedings.

34.—Theſe communications took place in the month of May and June laſt; but it appears, that though the mode of application has been varied, the object of the original addreſs has not been abandoned. We confeſs, at the ſame time, that we know not how to reconcile the circumſtances attending the preſent addreſs with the orders which were circulated by the Commander in Chief for prohibiting addreſſes of that nature. It is manifeſt that there has been, according to our judgment, a failure of duty; and though we are not at preſent prepared to ſtate where the culpability is imputable, we truſt that farther inveſtigation will eſtabliſh the fact.

35.—In the mean time, we have informed the Commander in Chief, that it is impoſſible that we ſhould not view the ſentiments ſtated in the memorial with extreme diſapprobation; and we have declined to tranſmit it to your honourable Court in its authenticated form, until we ſhall have received the ſentiments of the Supreme Government regarding it, as it is, in our opinion, proper that a document of that kind ſhould be brought under the attention of the Governor General in Council. D° D° No. 27.

36.—A copy of the memorial without the ſignatures has been recorded for your information. Your honourable Court muſt be well aware that all reductions were in their nature unpopular, and it was impoſſible that thoſe which were lately ordered at this Preſidency, could be carried into effect without creating a certain degree of diſſatisfaction. Under ſuch circumſtances perſons in an extenſive community, and ſtill more in an extenſive Army, will never be wanting in promoting and in ſupporting applications of the nature now brought before you; but when there is reaſon to be ſatisfied, that there is no juſt cauſe for ſuch remonſtrances, it becomes the duty of the principal authority to repreſs groundleſs clamour. D° D°

37.—With regard to the particular nature of the ſuppoſed grievances ſtated in the memorial, we conſider any obſervations to be at preſent ſuperfluous. It is proper however to notice, that the additional allowances granted to the principal officers of the Army, as a compenſation for the late reductions, have not been adverted to.

38.—We requeſt your reference to the letters addreſſed by the Commander in Chief to this Government, on certain points connected with the duties attached to the ſtation of the Commander in Chief. We obſerve with concern, that the Commander in Chief has conveyed his ſentiments in terms unuſual in public correſpondence, and diſreſpect to the authority of the Government. But we conſider it our duty to abſtain, as far as poſſible, from controverſial diſcuſſion of this nature: and we truſt that our deſire Conſ. 17th Jan. Dr to D° 27 Jan. Se. Conſ. 17 Jan. Dr to Se. Conſ. 27 Jan.

[No. 1.] Gen. Letter Mil. Dep. 29 Jan. 1809.

desire to evince every possible respect for the station of the Commander in Chief will be sufficiently apparent; such correspondence has not failed to be extremely irksome; but we have no desire to dwell longer on the subject.

We have the honour to be, &c.

(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
J. H. CASAMAJOR.

Fort St. George,
29th January 1809.

Fort St. George—Military Department.

No. 2.—GENERAL LETTER, 31st January 1809.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England, trading to the East Indies.

Honourable Sirs,

Gen. Letter Mil. Dep. 31 Jan. 1809. Para. 1. WE had the honour of conveying to your honourable Court, in our letter of the 29th inst. an explanation on different points connected with the proceedings of Lieutenant General Macdowall, previously to his embarkation for England.

2.—We particularly stated the circumstances which had occurred on the subject of the measure adopted by Lieutenant General Macdowall, of placing the Quarter-master General of the Army under arrest, and the necessity which was imposed upon us of removing the arrest, by the direct authority of Government.

3.—We were willing to hope that the question was entirely closed, but it having come to our knowledge that Lieut. Gen. Macdowall did at the time of his embarkation leave for publication to the Army of this Presidency a General Order on the above subject grossly offensive, and this Order having been circulated to the Army, it has become our indispensable duty to vindicate the authority of Government in a signal manner, we trust that your honourable Court will be sensible, on reference to the papers which have been laid before you, that it was our earnest wish to observe the greatest moderation towards the late Commander in Chief, though the tenor of Lieut. General Macdowall's communications and general conduct had been on several occasions highly exceptionable; but the General Order in question is of so injurious a nature, that we should be wanting in the execution of our duty, if we were longer to postpone the public declaration of our sentiments on the subject.

4.—Lieut. General Macdowall, in the letter addressed to this Government on 15th instant, stated his intention of resigning the command of the Army; but he at the same time intimated his intention of retaining the command until the period of his embarkation for England. The actual resignation of Lieut. General Macdowall has not yet been received, and we conclude that it may be his intention to forward his resignation from Negapatam, where the Indiamen will touch for the purpose of disembarking the Troops destined for that place, or from Ceylon. Whatever may be the intention of Lieutenant General Macdowall, we have considered it to be our duty to anticipate the fulfilment of it, by publicly removing him from the command of the Army of this Presidency.

5.—We have the honour to enclose, for your information, a copy of the General Order which we have published on this occasion, together with a copy of the General Order of the late Commander in Chief, which we have directed to be expunged from the records of this Army.

6.—Being solicitous to convey this information to your honourable Court by the earliest opportunity, we have dispatched this letter in the expectation of its overtaking the fleet at Columbo; and we shall refrain from a more detailed explanation of our sentiments, trusting that the facts before your honourable Court will evince, that from the alternative to which we were reduced, the measures which have been adopted were unavoidable.

7.—The conduct of the Deputy Adjutant General of the Army having been in the highest degree improper, in giving currency to the offensive Order of the Commander in Chief in opposition to his bounden duty to the Government, we have directed that the Deputy Adjutant Generalshall be suspended from the service of the Company.

8.—However

[No. 1.]

8.—However much we may lament the neceſſity of reſorting to meaſures of a ſevere nature, we conſider the calls of public duty to be ſuperior to this conſideration, and it is only by ſuch meaſures that the late inflammatory proceedings can be counteracted. Gen. Letter Mil. Dep. 31 Jan. 1809.

9.—Major General Francis Gowdie being ſenior officer on this Eſtabliſhment, we have appointed him to the temporary command of the Army.

We have, &c.

(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
J. H. CASAMAJOR.

Fort St. George,
31ſt January 1809.

Fort St. George—Military Department.

No. 3.—GENERAL LETTER, 3d February 1809.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England, trading to the Eaſt Indies.

Honourable Sirs,

Para. 1. IN our ſeparate letter to your honourable Court, of the 1ſt inſtant, we informed you of the grounds on which it had become our duty to remove Lieut. General Hay Macdowall from the ſtation of Commander in Chief of this Preſidency, and to ſuſpend the Deputy Adjutant General from the ſervice of the Company. Gen. Letter Mil. Dep. 3 Feb. 1809.

2.—We inform you with concern, that we have been compelled to adopt the ſame meaſures with regard to the Adjutant General, and we encloſe, for your information, the copy of a General Order which we have publiſhed on the occaſion.

3.—We conclude that there cannot be a difference of opinion, as to the dangerous tendency of the General Order publiſhed under the authority of the late Commander in Chief, under date the 28th ult.; and it is a fact eſtabliſhed on the cleareſt principles of reaſon and of law, that perſons are reſponſible for the conſequences attending the execution of illegal and improper acts, whatever the ſanction may have been under which ſuch perſons may have acted. It being our wiſh that this letter ſhould be conveyed to your honourable Court by the fleet about to ſail from Ceylon, the preſſure of time will not admit of our going into any detailed argument on this ſubject; but we are willing to hope that the propoſition is ſufficiently obvious to render detailed diſcuſſion unneceſſary.

4.—The circumſtances connected with the publication of the late offenſive General Order, can leave little room to doubt that the meaſure was of a premeditated nature, and the officers concerned in the circulation of ſuch a paper are deeply reſponſible for an act, involving in its obvious tendency the annihilation of all reſpect for public authority, and the excitement of the moſt dangerous ſpirit in the Army of this Preſidency. The duty which the Adjutant General owes to the Government, is paramount to any obligation which can be attached to his ſtation as an officer acting under the immediate orders of the Commander in Chief; and no order which he might have received from the Commander in Chief, could juſtify the Adjutant General in the direct and open violation of the ſuperior duty which he, in common with all other officers, owes to the power from whence his appointment was derived, and which it was his bounden obligation to have ſerved with fidelity.

If the order of the Commander in Chief ſhould once be received in juſtification of acts, however criminal, there muſt be an end of ſubordination and military diſcipline, and an end of public ſafety.

5.—Of the legal reſponſibility of the Adjutant General there cannot, we believe, be any doubt; and as that officer has ſhewn a diſpoſition very oppoſite from contrition for the offenſive proceeding, the reſponſibility attached to his conduct weighs with aggravated preſſure. We have therefore had no alternative but to adopt the meaſure which we have reported, as that alone by which, after the recent occurrences, it was poſſible that the public authority could, under the flagrant injury which it had experienced, be maintained. We felt extreme regret in purſuing a courſe of proceeding ſo adverſe to our own wiſhes, but we have conſidered the calls of public duty to be ſuperior to thoſe of perſonal feeling.

We have, &c.

(Signed) G. H. BARLOW,
W. PETRIE.
T. OAKES.
JAS H. CASAMAJOR.

Fort St. George,
3d February 1809.

ENCLOSURES.

[No. 1.]

ENCLOSURES.

No. 4.—Copy of a Letter from the Commander in Chief; 15th January 1809:—With an Enclosure.

The Hon^ble Sir George Barlow, Bart. K.B. President in Council, Fort St. George.

SIR,

IMPELLED by a laudable ambition, which had long led me to aspire to the chief command of the brave and respectable Army under this Establishment, I viewed my appointment to that high office as the happiest event of my life, concluding that I should succeed to all the rights and privileges enjoyed by my predecessors; the decision however of the Court of Directors has * placed me in so extraordinary, so unexampled, and so humiliating a predicament, that the most painful emotions have been excited, and sixteen months experience has convinced me, that it is impossible to remain with any prospect of performing my duty with credit to the East India Company, of acquiring for myself any reputation, or for doing justice to those over whom I am called to preside, divested of the power of selecting for commands, by the restriction of military patronage, or of requiting the meritorious officer, deprived of the respectability which in this country attaches to a seat in Council, and abridged in the usual emoluments of office, it is inconsistent with the character I have ever endeavoured to maintain, to hold an appointment of such magnitude, and responsibility thus degraded; I have therefore the honour, honourable Sir, to request that I may be permitted to resign my commission of Commander in Chief, and to proceed to Europe by the present opportunity.

Inferring that the plan for the exclusion of the Commander in Chief from Council, must have been framed with sufficient deliberation to preclude the possibility of any argument of mine producing an alteration of sentiment in the promoters of it, I decline touching on the subject, nor will I condescend to make any reference to those who have premeditately injured me, and who have, without a conciliating expression or any explanation whatsoever, severely wounded the feelings of an officer who has served them with zeal and fidelity (a short interval excepted) for seven-and-twenty years.

In adverting once more to patronage, it is not possible to view, without the deepest regret, a scheme for disconnecting the authority to command service from the power animating it by reward, and for allotting to the Commander in Chief all the invidious duties of his station, without the means of softening them to the Army by acts of favour or kindness immediately from himself; and I may be permitted to observe, that the plea of public utility ought to be clear and urgent, which calls for the extinction or abridgment of any of those rights which the Army through its material representative possess, or which can justify me in admitting that an experiment is necessary to ascertain with how small a portion of power and influence the military duties under this Government may be exercised.

It will not be deemed surprising, if I justly dread the high displeasure of my Sovereign were I not to depart, when the intention of the Court of Directors has become obvious, and without compromising the dignity of the profession, by adhering rigidly to a point of honour, my prospects in life may be materially affected, but I am resolved that my name shall not be branded with the reproach of having been the first general officer who retained a situation, after all hope of a restoration of its former distinction had expired.

Notwithstanding these observations, and my determination to quit India, should you, honourable Sir, be of opinion that my personal services in the field are required to carry into execution any measures of energy and vigour, I shall consider it an imperious duty to abandon every private feeling, and to submit to your judgment, should my exertions be deemed of importance; at the same time implicitly relying, that your honourable Board will sanction my departure when the cause of my detention may be removed.

I beg however that it may be distinctly understood, that this is not meant as courting an invitation to stay; I have been offered an indignity, and my pride and sensibility would compel me to retire, even were the sacrifice greater; for I cannot tamely submit to see the exalted station disgraced in my person, nor can I be answerable to the Army if I do not resist so uncommon a deviation, which deprives it of a representative in Council.

The accompanying copy of a letter from his Excellency Lieutenant General Hewitt, will inform you, honourable Sir, of his acquiescence to my application for one year's leave of absence.

I have, &c.
(Signed) HAY MACDOWALL.
Lieut. General.

Madras, 15th January 1809.

His Excellency Lieut. General Hay Macdowall, &c. &c.

Sir,

In compliance with your request as stated in your letter of the 6th past, I have the honour to acquaint you, that, as far as my power extends, I am ready to concur in your

* The nomination of Mr. Petrie to be second in Council, the Commander in Chief's proper place, establishes this fact.

relinquishing

relinquiſhing the command you now hold in India, and returning to Europe by the moſt convenient opportunity; but I conceive, that although had you not accepted the command, I might have been competent to authorize your return to England, yet that the regular channel of reſignation for a Commander in Chief muſt be through the Governor and Council of the Preſidency to which he belongs, and ſhould any doubt ariſe with them, I conclude it will be referred to this Government, when it will meet the ſupport of, Sir, [No. 1.]

Your moſt obedient and humble ſervant,
(Signed) G. HEWITT.

Calcutta, 5th December 1807.

No. 5.—Copy of a Letter to the Commander in Chief, 19th January 1809.

To Lieut. General Macdowall, Commander in Chief.

Sir,

We have the honour to acknowledge the receipt of your Excellency's letter of the 15th inſtant, and we beg to expreſs to your Excellency our concurrence in the intention which you have intimated to us of proceeding to Europe; as we are not aware that any public cauſe of the nature to which your Excellency has alluded, is likely to oppoſe the accompliſhment of your Excellency's wiſhes.

We ſhall have the honour of ſubmitting a copy of your Excellency's letter for the information of the honourable Court of Directors, and of the Supreme Government.

We have the honour to add, that, in conſequence of the appointment of Major General Fuller to the ſtaff in Bengal, we have thought it proper to direct that Major General Gowdie ſhall proceed without delay to the Preſidency.

We have the honour to be, Sir,
Your moſt obedient ſervants,
(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
J. H. CASAMAJOR.

Fort St. George,
9th January 1809.

No. 6.—Copy of a Letter from the Commander in Chief, 16th January 1809.

George Buchan, Eſq. Chief Secretary.

Sir,

I am favoured with your letter of the 15th inſtant, informing me of the arrangements intended by Government for preparing a force to act in the Southern Provinces, and eventually in Travancore.

The excluſion of the Commander in Chief from Council has thrown the military details under this Preſidency into a channel which I cannot believe was ever intended, and the whole operations of the Army are often carried into effect without his advice being aſked, or his concurrence obtained.

Whatever may be the project of the honourable the Governor in Council for the approaching campaign, the plans for penetrating the hoſtile Province, or whether it is to be a war of conqueſt, or of deſolation and extermination, has been concealed from me, and I find myſelf reduced to the painful dilemma of being ſimply the executive ſtaff officer of the Preſident in Council.

The purpoſe for which Major Blacker is to be ſent to the Southern Diviſion I have yet to learn. This officer poſſeſſes talent and activity; but from the ſuperior local knowledge, with equal zeal and abilities, of Captain S. Macdowall, and from his intimate perſonal acquaintance with the Dewan and others connected with the Government, I certainly ſhould in preference have ſelected him.

I beg leave to lay a letter from that officer before the honourable the Governor in Council; and I have to requeſt that the ſubject may be reconſidered, being clearly of opinion, in a ſelection of this nature from the general ſtaff, that it ſhould be left entirely to my judgment.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) HAY MACDOWALL.

Madras,
16th January 1809.

No. 7.—Copy of a Letter to the Commander in Chief, 18th January 1809.

To Lieut. General Macdowall, Commander in Chief.

Sir,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your Excellency's letter of the 16th inſtant.

The Governor in Council is not aware of the particular circumſtances to which it may be your Excellency's intention to refer on the ſubject of the recent equipment againſt Travancore. As it was his anxious endeavour that every care ſhould be taken to inform your Excellency fully, with regard to the cauſes which have impoſed upon the Government the unavoidable neceſſity of reſorting to that meaſure, and with regard to the views connected with the proſecution of the intended ſervice. The Governor in Council was alſo willing to hope, that he had evinced his anxious deſire to take the earlieſt opportunity of communicating with your Excellency on the preſent as on all other occaſions connected with the military arrangements of this Preſidency.

[No. 1.] In regard to the terms in which it has pleaſed your Excellency to convey your ſentiments on this queſtion, the Governor in Council will refrain from all comment, as it could not be otherwiſe than painful at this late period to enter into diſcuſſions of that nature.

On the ſubject of the letter of Captain Macdowall, I am directed to ſtate, that the Governor in Council conſiders the communication which that officer has preſumed to addreſs to your Excellency, to be of a nature ſo diſreſpectful and offenſive, that it will become the duty of the Governor in Council to conſider whether it may be proper that Captain Macdowall ſhould be permitted to remain in his preſent ſtation.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) G. BUCHAN,
Chief Sec. to Gov.

Fort St. George,
18th January 1809.

No. 8.—Copy of a Letter from the Commander in Chief, 20th January 1809.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

Be pleaſed to inform the honourable the Governor in Council, that I have deemed it expedient to place Lieut. Colonel Munro, Quarter-maſter General of the Army, under arreſt; and I deem it proper that Government ſhould be made acquainted with the circumſtance; that ſhould the honourable the Preſident be ſtill inclined to detach Major Blacker on a ſecret miſſion to the Southward, notwithſtanding the non-concurrence of Lieut. General Macdowall, I may have an opportunity of recommending a perſon to tranſact the buſineſs of the office.

I have the honour to be, &c.
(Signed) HAY MACDOWALL.

Madras,
20th January 1809.

No. 9.—Copy of a Letter to the Commander in Chief, 21ſt January 1809.

To Lieut. General Macdowall, Commander in Chief.

Sir,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your Excellency's letter of the 20th inſtant.

Your Excellency having judged it expedient to adopt the meaſure of placing the Quarter-maſter General of the Army under arreſt, it is probable that the abſence of Major Blacker from the Preſidency might be attended with inconvenience. The Governor in Council had no intention of employing Major Blacker on any miſſion of a ſecret nature, as ſtated in your Excellency's letter; and as inconvenience would, at this period, be liable to ariſe from detaching that officer, the intention will be of courſe relinquiſhed.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) G. BUCHAN.
Chief Sec. to Gov.

Fort St. George,
21ſt January 1809.

No. 10.—Copy of a Letter from the Commander in Chief, 19th January 1809.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

I am honoured with your letter of yeſterday's date.

As I had always imagined that the ſpirit of the orders of the Court of Directors (ſaid to be contained in their regulations conſequent to the Acts of 1773 and 4) illuſtrative of the Acts of Parliament for the better management of the ſeveral Governments in India, had rendered it in ſome degree incumbent on the honourable the Preſident in Council, to call for the advice and opinion of the officer at the head of the Army, eſpecially on all warlike arrangements: I certainly, under that impreſſion, did feel that I had been treated with indelicacy if not with neglect. A large Army is about to take the field, and operations on an extenſive ſcale, and probably requiring a variety of complicated movements are to be immediately carried into effect, of the nature and deſign of which I am entirely ignorant.

If I have acted under a miſconception of the duties impoſed on the Commander in Chief, I ſhall be extremely concerned; but ſhould any document be in poſſeſſion of Government, explaining and defining the civil and military powers, I have to requeſt that you will move the honourable the Governor in Council, that he will be pleaſed to direct that a copy of ſuch document may be furniſhed me, that I may know the exact footing on which I ſtand.

About to quit a Preſidency under which I have paſſed the beſt part of my life, it is by no means my wiſh to irritate by uncourteous language, or to impede the executive authority; the movement of troops and the diſtribution of camp equipage, have flowed in the uſual channel from the Quarter-maſter General's office after the reſolutions of Government had paſſed; but before theſe reſolutions, regarding the pending campaign, I muſt avow that I never was conſulted. I feel my ſituation moſt painfully embarraſſing, and if, on a peruſal of the papers I have aſked for, I ſhall diſcover that the Court of Directors actually mean that their

their Commander in Chief ſhall be a mere cypher, I ſhall every hour have greater cauſe to rejoice that I have reſigned a ſervice, which, under ſuch a poſition, can only tend to degrade. [No. 1.]

I ſhall here remark, in juſtice to a gentleman who is now a Member of Council, but who has oftener than once filled the Preſident's chair, that, during his adminiſtration, he did me the honour to conſult me on every military meaſure; and I was highly gratified by the confidence he repoſed in me (proceeding, as I conceived, from conſtitutional grounds) and I duly appreciated a line of conduct on his part, which placed the Commander in Chief in his proper ſtation, while it did not render the power of Government leſs deciſive and efficacious. I am happy in having this opportunity of expreſſing my gratitude to Mr. Petrie for his delicate conduct, which is the more ſenſibly felt when contraſted with the preſent method of carrying on military operations.

Much has been ſaid and written on the ſubject of reſponſibility; and there are ſome who have ſuppoſed that a Commander in Chief is reſponſible for advice which he never gave, and for acts which are not his own. I will ſtate a caſe. The force now collecting againſt Travancore may be unfortunate from its not being of ſufficient ſtrength, from a want of equipments, from bad arrangements, unſkilful officers, an improper diſtribution of the Troops; or from an imprudent mode of attack, the expedition may entirely fail. On ſuch an event can the Commander in Chief be anſwerable? Power and reſponſibility ought to walk hand-in-hand; but without the one, the other is a mere ſhadow and bug-bear.

I cannot but lament, that the honourable the Governor in Council has had occaſion to remark on the conduct of Captain S. Macdowall, in terms of ſuch diſapprobation. I can only declare, that I firmly believe he never intended any diſreſpect to the honourable the Preſident in Council; he has ſtated ſo to me. I certainly did think, that he was juſtified in endeavouring to remove a ſtigma which had faſtened on him, and to endeavour to prove to me, his immediate ſuperior, that he had ſome claim to conſideration; but as the honourable the Preſident in Council has animadverted ſo ſeverely on his conduct, I truſt that his diſpleaſure will be carried no further.

I have the honour to be, &c. &c.

Madras, (Signed) HAY MACDOWALL.
19th January 1809.

P. S. The nomination of Major Blacker, one of my own ſtaff, cannot meet with my concurrence under any view of the caſe.

(Signed) HAY MACDOWALL.

No. 11.—Copy of a Letter to the Commander in Chief, 23d January 1809.

To Lieut. General Macdowall, Commander in Chief.

Sir,

1.—I am directed by the honourable the Governor in Council, to acknowledge the receipt of your Excellency's letter of the 19th inſtant.

2.—At the period when the former preparations againſt Travancore were commenced, your Excellency was at a conſiderable diſtance from the Preſidency, and the means of reference to your Excellency, previouſly to the commencement of the preparations, was therefore entirely precluded. Copies, however, of all the material papers connected with the ſubject, were tranſmitted with the leaſt poſſible delay for your Excellency's information.

3.—On the occaſion of the preſent equipment, the Governor in Council muſt repeat, that it was his endeavour to take the earlieſt opportunity of making known to your Excellency the events which rendered the equipment neceſſary, and the preciſe object of the intended ſervice. The Governor in Council does not recollect that a determination was paſſed on any material part of the equipment, without a previous communication with your Excellency, and all papers of a material nature were tranſmitted for your information.

4.—In ſtating this explanation, I have been directed to add, that the mode in which the orders of the Governor in Council have been iſſued on the preſent as on other occaſions, has been in entire conformity to the eſtabliſhed courſe of the public ſervice, and the Governor in Council can ſee no cauſe for deviating from the mode of proceeding which has been ſanctioned by invariable uſage. It has been at all times the wiſh of the Governor in Council, to avail himſelf of your Excellency's opinion on every point connected with the military arrangements and appointments under this Preſidency, and the public records will atteſt, that in all general caſes the moſt ſcrupulous attention has been paid to this object. It is at the ſame time competent to the Governor in Council to exerciſe his diſcretion in iſſuing orders under his immediate authority, where circumſtances may appear to require the adoption of that meaſure.

5.—In this view of the queſtion, the Governor in Council is of opinion, that a more detailed diſcuſſion on the ſubject of your Excellency's letter cannot be neceſſary, and under the impreſſion ſtated in the letter which was addreſſed to your Excellency on the 18th inſtant, it is the wiſh of the Governor in Council that it ſhould be avoided.

I have the honour to be, &c.

Fort St. George, (Signed) G. BUCHAN,
23d January 1809. Chief Secy to Government.

[No. 1.] No. 12.—Copy of a Letter from the Quarter-maſter General of the Army, 22d January 1809.—With Five Encloſures.

To the Chief Secretary of Government.

Sir,

The near diſpatch of the ſhips has induced me to expreſs a requeſt, that you will be pleaſed to ſubmit to the conſideration of Government the accompanying copy of a letter to the Chief Secretary of Government, which I have forwarded this day through the channel of his Excellency the Commander in Chief.

I have the honour to be, &c.

(Signed) J. MUNRO.

Q^r M^r Gen^l

Fort St. George,
22d January 1809.

To the Chief Secretary of Government.

Sir,

Having been directed by the late Commander in Chief to prepare a report on the ſyſtem for the proviſion and carriage of the camp equipage of the native troops by contract, I entered into an examination of that ſubject, and ſubmitted to Sir John Cradock a paper containing the reſult of the conſideration which I beſtowed on it. That report received the unqualified approbation of the late Commander in Chief, who, in laying it before Government, ſtated, that it was written in obedience to his orders, and might be conſidered as the combined reſult of his own reflection. The report having been referred by the Governor Lord William Bentinck, to the examination of ſome officers of talents and experience, met with their concurrence, and although his Lordſhip was diſpoſed to entertain a favourable opinion of the contract ſyſtem, he was convinced, by the reaſonings ſtated in the report, of the erroneous nature of that ſyſtem, and the expediency of repealing it. At the period of time when the report was approved by Lord William Bentinck, the removal of his Lordſhip from India left it on the hands of his ſucceſſor, and as it correſponded with Mr. Petrie's ſentiments, it was forwarded to Bengal; it received the approbation of the Supreme Government, and was finally carried into execution under the preſent Government.

It appears, that ſoon after the publication of the orders for the abolition of the tent contract, a plan was formed by ſome officers commanding native corps, of preferring charges againſt me on the foundation of my report; and theſe charges actually arrived at head-quarters about three months ago. They were ſent by the Commander in Chief to the Judge Advocate General, and that officer having entered into an extenſive conſideration of the ſubject, ſtated in decided terms the illegality of the charges, and the abſence of all grounds of proceeding upon them. The Commander in Chief was pleaſed to ſhew me the charges, and the report of the Judge Advocate General, and I preſſed upon his Excellency's attention the expediency of bringing the queſtion to an early deciſion, and of ſubmitting it to the honourable the Governor in Council, as it was eſſentially connected with the arrangement and the authority of Government; the Commander in Chief did not expreſs a decided *intention*, the tendency of his opinions appeared to be, that I ſhould be tried by a general court-martial, but after repeated ſolicitations he ſtated, that as the Judge Advocate General had exhibited only one ſide of the queſtion, he judged it expedient to refer it to the opinion of Mr. Marſh. Having renewed my applications for a deciſion of the queſtion, I was informed the day before yeſterday by the Commander in Chief, that it was his intention to leave the whole matter to the conſideration of his ſucceſſor, and in about an hour after I received this aſſurance, the Deputy Adjutant General delivered to me a letter and meſſage from the Commander in Chief, directing me to conſider myſelf as placed under an arreſt upon the charges which I have mentioned. I forward to you a copy of theſe charges, of the letter delivered to me by the Deputy Adjutant General, of my reply, and of an anſwer which I have received from the Commander in Chief, and in which his Excellency has been pleaſed to ſtate ſome of the reaſons by which his conduct has been actuated.

The want of time diſables me from ſtating the conſiderations connected with this ſubject, which it is my earneſt deſire to ſubmit to the judgment of the honourable the Governor in Council. The report upon which the Commander in Chief, at the inſtance of ſome officers of the Army, has placed me in arreſt, was written by the ſpecial orders of the late Commander in Chief, was approved of by him, and declared in his Minute which accompanied it, to be the reſult of his own reflection and mine; and it has been acted upon by the Supreme and Local Governments. It is ſuperfluous for me to ſtate the deep injury which will inevitably be ſuſtained by the diſcipline of the ſervice, if a public ſtaff officer ſhall be made reſponſible to a party of officers for an official report, written in the ſtrict execution of his duty, and approved by all the authorities under which he acts. If ſuch a courſe of proceeding ſhall be followed, no ſtaff officer can ever venture to execute his duty with integrity and zeal, to point out abuſes or diſcover frauds, for the circumſtances of being liable to the diſgrace of an arreſt and trial for the diſcharge of public duty, will deter many men from performing it. That proceeding will have the effect of making the Army the judges of the propriety of continuing or repealing military regulations. The diſadvantage or the tendency to abuſe of a ſyſtem cannot then be pointed out, without inſinuations being either ſtated or underſtood of a nature unfavourable to the conduct of the perſons by whom the ſyſtem is managed; and if the public officer who points out that diſadvantage, ſhall be liable to be tried by the perſons whoſe intereſts are affected by his conduct, it is evident that the Army

and

and not the Government, will be the judges of military arrangements; that no ſtaff officer will ſubmit to the Government a plan diſpopular to the Army, and that the greateſt obſtacles will be oppoſed to the reform of abuſes or the improvement of the ſervice. A ſtaff officer muſt embrace the alternative of either neglecting his duty or expoſing himſelf to the diſgrace of a public trial, at the inſtance of officers who may expect impunity for their conduct from their numbers, or from the uncertainty to which the event of all trials is ſubject. If any illuſtration of theſe obſervations ſhould be neceſſary, the following caſe may be ſtated: It may be ſuppoſed that I had received the moſt ample and authentic information of the abuſes of the tent contract ſyſtem, that this information was ſufficient to convince my judgment and that of the Commander in Chief, and the Government, of the neceſſity of annulling that ſyſtem, although, from the information being of a confidential nature, it could not be produced as evidence before a general court-martial. It would have been my poſitive duty to ſtate, that the tent contract ſyſtem was replete with abuſes, that ſtatement would involve inſinuations hoſtile to the integrity of the officers by whom the ſyſtem was managed, and I may aſk if I ſhould be liable to the diſgrace of a public arreſt and trial, for having declared, what every obligation of my public duty demanded, and what circumſtances muſt have prevented me from proving before a court-martial. [No. 1.]

But the report contains nothing of a nature injurious to the characters of the officers of the Army, it is founded upon the general and immutable principles of human nature, and was not intended to apply to the actual conduct of any claſs of perſons. The object of that report was to expoſe, on the general principles which conſtitute the great foundations of public regulation, the fundamental errors of a ſyſtem which was calculated to diſunite the intereſt from the duty of the officers of the Army, and not in any reſpect to advert to the mode in which that ſyſtem has been executed. The juſtneſs of the general grounds which I adopted was ſufficiently confirmed by experience, which had ſhewn that the contract ſyſtem produced conſiderable advantages to officers commanding corps in garriſon, and immenſe expences in the field. That this ſyſtem produced unfavourable effects on the military ardour of any part of the Army has never been ſtated, but it was an indiſpenſable obligation of my duty, in officially reporting on the ſubject, to point out its tendency, under the operation of motives that too often influence human conduct, to produce ſuch effects, and its diſadvantage therefore as a permanent regulation. In preparing the report upon the tent contract, nothing was more remote from my mind than to ſtate a ſentiment in any reſpect adverſe to the honour, integrity, and military virtue of any portion of the officers of the Army: the report was entirely dictated by motives of public duty, and founded upon general grounds; and they who view it in a different light miſtake a courſe of reaſoning, from cauſe to effect, from principles to their probable conſequences, for arguments founded upon ſtatements of a deſcription diſhonourable to the Army. I do not mean by theſe explanations to diſavow any part of the report, as I am ſtill impreſſed with the ſtrongeſt conviction of its juſtneſs and truth.

If the report had never been ſubmitted to the Government, it might have reſted with the Commander in Chief to decide on the charges that are founded on it; but as it now forms a part of the records and acts of the Government, any proceedings relative to it muſt neceſſarily be referred to their authority and deciſion, conſidering myſelf reſponſible to my ſuperiors only for the official opinions which I may be called upon to ſtate in the execution of my duty; and the opinions which I ſtated, relative to the tent contract ſyſtem, having been acted upon by the Government, I judged it to be a duty which I owe to myſelf, to the ſtation which I hold, to the public ſervice, and to the intereſts of my country, to ſubmit my ſituation to the conſideration of the Government, and to appeal to their juſtice for the ſupport of my public conduct, and the vindication of my character.

I have the honour to be, &c.

Fort St. George,
22d January 1809.

(Signed) J. MUNRO,
Qr Mr Genl.

Lieutenant Colonel John Munro, Quarter-maſter General of the Army, placed in arreſt by order of the Commander in Chief on the 20th January 1809. Charged as follows, viz.

CHARGE.

WE, the underſigned Officers, do hereby charge Lieutenant Colonel John Munro, Quarter-maſter General of the Army, and Captain in the Madras European Regiment, with conduct unbecoming the character of an Officer and a Gentleman, in the following inſtance, viz.

For having, in his propoſed plan for the abolition of the Tent Contract, lately held by Officers commanding Native Corps, made uſe of falſe and infamous inſinuations, thereby tending to injure our characters as Officers, and otherwiſe injurious to our reputations as Gentlemen.

(Signed) C. Rumby, Lieut. Colonel commanding 5th regt. cavalry—A. St. Leger, Lieut. Col. commanding 6th regt. cavalry—P. H. Veſey, Lieut. Colonel commanding 2d bat. 6th regt.—J. Knowles, Captain commanding 1ſt bat. 3d regt.—Robt. Munro, Major 2d bat. 20th regt.—Andrew McDowell, Major 15th regt.—H. J. Smith, Captain commanding 2d bat. 14th regt.—P. Richardſon, Major commanding 2d bat. 2d regt.—G. Long, Major 1ſt bat. 13th regt.—Chas. Lucas, Captain commanding 2d bat. 3d regt.—J. Durand, Lieut. Colonel commanding 2d bat. 8th regt.—G. Martin, Lieut. Colonel commanding 1ſt bat.

[No. 1.]

bat. 15th regt.—W. Orock, Lieut. Colonel commanding 1ſt bat. 8th regt.—John De Morgan, 1ſt bat. 22d regt.—J. P. Keaſberry, Captain commanding 2d bat. 9th regt.—J. Lindſey, Captain commanding 2d bat. 22d regt.—J. M. Vernon, Major commanding 2d bat. 12th regt.—T. Whittie, Major commanding 2d bat. 19th regt.—Alex. Muirhead, Major commanding 2d bat. 18th regt.—G. Neal, Major commanding 1ſt regt. native cavalry—H. Fraſer, Major commanding 2d bat. 5th regt.—M. Stuart, Major commanding 2d bat. 17th regt.—C. Deacon, Major commanding 1ſt bat. 16th regt.—C. Farran, Captain commanding 2d bat. 21ſt regt.—R. Fletcher, Lieut. Colonel commanding 1ſt bat. 12th regt.—G. M. Gibſon, Captain commanding 1ſt bat. 10th regt.—J. Dunn, Lieut. Colonel commanding 8th regt. cavalry—A. Floyer, Lieut. Colonel commanding 3d regt. cavalry.

Counterſigned, By order of Lieutenant General Macdowall, Commander in Chief,
(Signed) F. CAPPER, Adjt Genl.

Lieut. Colonel Munro, Quarter-maſter General.

Sir,

Upon a re-peruſal of the papers connected with the charges given in againſt you, by a reſpectable body of the officers of the Army, I have, in addition to what I informed you of this morning, found it neceſſary to order you to be placed under an arreſt, and I ſhall recommend it to my ſucceſſor to bring you to trial upon the charges preferred againſt you, as I find that, in the opinion of the Judge Advocate General, any court-martial ordered to be aſſembled by me, could only be confirmed by my own ſignature. I regret that this ſubject has not been ſooner decided upon, but being deſirous of obtaining every opinion, and a recent one of ſome importance having only been forwarded to me a few days ago, it was impoſſible to avoid delay.

I am, &c.
(Signed) HAY MACDOWALL.

Madras, 20th January.

To his Excellency Lieut. General Macdowall, &c. &c. &c.

Sir,

I have received the letter and meſſage which your Excellency has been pleaſed to convey to me through the channel of the Deputy Adjutant General, and I beg leave to inform you that, in obedience to your commands, I conſider myſelf to be placed under an arreſt from this date. Having this morning expreſſed your intention to leave the whole ſubject of the charges preferred againſt me to the conſideration of your ſucceſſor, I cannot refrain from ſtating the ſentiments of ſurprize that have been excited in my mind, at your adopting a ſtep which is in ſome meaſure deciſive of the queſtion, and muſt contribute to embarraſs the exerciſe of your ſucceſſor's diſcretion, relative to the moſt adviſable means of finally arranging a point, upon which a diverſity of opinion has exiſted. It is far from my wiſh to expreſs an opinion regarding the nature of the proceedings which you have been pleaſed to follow, but a ſenſe of public duty induces me to notice the extraordinary ſpectacle of an officer holding one of the firſt ſituations under the Government, being placed in arreſt by a Commander in Chief, for a report prepared under the ſpecial orders of the preceding Commander in Chief, which the latter declared upon record to be the combined reſult of his own and that officer's reflection, and which has received the entire approbation of this and the Supreme Government.

Holding an appointment of importance under the Government, I have the honour to expreſs a requeſt that your Excellency will be pleaſed to communicate information to the honourable the Governor in Council of the meaſure which you have adopted, in order that arrangements may be made for the conduct of the departments which Government have entruſted to my care.

I am, &c.
(Signed) J. MUNRO,
Qr Mr Gl.

Fort St. George,
20th January 1809.

To Lieutenant Colonel Munro, Quarter-maſter General.

Sir,

Actuated but by one motive, an earneſt deſire to do juſtice to every individual under my command, I had long deliberated on the uncommon and intereſting caſe of the principal officers of an Army having given in charges againſt one of the general ſtaff, I had endeavoured to obtain every information that might guide me in deciding, and if I have erred in judgment I cannot well be accuſed of raſhneſs. In place of embarraſſing my ſucceſſor by the ſtep I have purſued, I have ſo cleared the path that he cannot go aſtray. I think you ſhould be tried, and if I had left the papers containing the charge, the ſeveral opinions, and the explanations, to General Gowdie, without putting you under an arreſt, I ſhould have left the door open to the poſſible introduction of undue influence and arbitrary power. The General has only to aſſemble a court-martial, which he will be enabled to do in a few days, as he is expected immediately here, and if you are acquitted, you will then have an opportunity of bringing forward thoſe who have endeavoured to traduce your character.

I am, &c.
(Signed) HAY MACDOWALL.

Madras,
21ſt January 1809.

No. 13.—Copy of a Letter from the Quarter-maſter General of the Army, 23d January 1809. —With an Encloſure. [No. 1.]

To the Chief Secretary to Government.

Sir,

Conceiving that every officer holding a ſituation under the Government, has a right to appeal to their authority on points connected with his public conduct, and involving conſiderations connected with the authority and the meaſures of the Government, I judged it to be my duty to addreſs a letter to the Chief Secretary of Government through the channel of the Commander in Chief, on the ſubject of proceedings which have been inſtituted againſt me in conſequence of an official report, which forms a part of the acts and records of the honourable the Governor in Council. The Commander in Chief having returned that letter, it has become my duty to tranſmit it to you direct; and in having recourſe to this unavoidable meaſure, I beg leave to declare that I have no intention whatever of manifeſting diſreſpect to the authority of the Commander in Chief: I alſo tranſmit a copy of a letter which I have received from the Commander in Chief. If the ſubject which I now ſubmit to the deciſion of the Government had been purely of a military nature, which the Commander in Chief is pleaſed to ſtate, I certainly ſhould never have thought of appealing from his deciſion, but in the inſeparable connection of that ſubject with the arrangements, the authority, and the dignity of the Government, I truſt that ſufficient reaſons will be found for the meaſure which I am now obliged to adopt.

I have, &c. &c.
(Signed) J. MUNRO,
Quarter-maſter General.

Fort St. George,
23d January 1809.

To Lieutenant Colonel Munro, Quarter-maſter General.

Sir,

I have received your letter, and a packet addreſſed to the Chief Secretary of Government, the contents of which I have peruſed.

As I cannot admit that the honourable the Governor in Council can interfere in a queſtion purely military, and which reſts entirely on my own judgment, I cannot ſubmit your remonſtrance and appeal, as you are pleaſed to call it, to the Board, without compromiſing the high ſituation in which I am placed.

Had I conceived it at all neceſſary to have reſorted to the opinion of Government, I could myſelf have laid the papers before it; but after much reflection I have, I believe, adopted a meaſure the leaſt objectionable and moſt likely to produce a perfect elucidation of the caſe.

I think it will be allowed, that your preſent attempt to make a reference to a Civil Government is novel and unexampled, and ſtriking a blow at the root of military authority which cannot be ſufficiently reprobated.

I truſt that it will not be diſputed, that I have the uncontrolled and unalienable right of judging of the conduct of every officer under my command, and I cannot but view your preſent application as extremely indelicate and diſreſpectful.

I am, Sir,
Your very obedient humble ſervant,
HAY MACDOWALL.

Madras,
23d January 1809.

No. 14.—Copy of a Letter to the Advocate General, 23d January 1809.

To the Advocate General.

Sir,

Par. 1.—I am directed by the honourable the Governor in Council, to tranſmit to you the encloſed papers, which have been ſubmitted to the Governor in Council by the Quarter-maſter General of the Army.

2.—As it appears, from the ſtatement of that officer, that the charge preferred againſt him has been founded on proceedings which obtained the moſt formal ſanction of the Government of Fort St. George and of the Supreme Government, it is the deſire of the Governor in Council, that you will ſtate, with the leaſt poſſible delay, your opinion reſpecting the degree of validity which a charge of that nature may be conſidered to poſſeſs, and the meaſures which it may be competent to the Government to adopt under the circumſtances of the caſe.

3.—The ſeveral previous papers connected with the ſubject, are tranſmitted for your peruſal.

4.—The Governor in Council being deſirous that a full conſideration ſhould be given to this queſtion, it is his deſire that you will communicate on the ſubject with the Judge Advocate General, to whom a copy of this letter has been forwarded.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) G. BUCHAN,
Chief Secretary to Government.

Fort St. George,
23d January 1809.

[No. 1.]

No. 15.—Copy of a Letter to the Judge Advocate General, 23d January 1809.

To the Judge Advocate General.

Sir,

I am directed by the honourable the Governor in Council to tranſmit, for your information and guidance, the enclоſed copy of a letter of this date to the Advocate General.

I am, Sir,
Your moſt obedient ſervant,
(Signed) G. STRACHEY,
Secretary to Government.

Fort St. George,
3d January 1809.

No. 16.—Copy of a Letter from the Advocate General, 24th January 1809:—With two Encloſures.

To the Chief Secretary to Government.

Sir, Fort St. George.

I have received your letter, dated the 23d inſtant, referring to my conſideration the papers ſubmitted to Government by the Quarter-maſter General, and deſiring my opinion reſpecting the validity of the charges preferred againſt him, and reſpecting the meaſures competent to be adopted by Government upon the caſe. I have, according to the command of the honourable the Governor in Council, communicated with the Judge Advocate General upon the ſubject to which your letter relates.

That officer, in addition to the papers furniſhed to me with your letter, has delivered to me his opinion, dated 7th November laſt, upon the ſame ſubject, which I now encloſe, and have no heſitation in declaring my perfect coincidence in the reſult of his very able and accurate inveſtigation of the ſubject. He has furniſhed me with a copy of Sir John Cradock's Minute, upon the ſubject of the paper againſt which the charges preferred againſt Colonel Munro are aimed. I am clearly of opinion, that the paper in queſtion does not contain any matter which can be the proper ſubject of the charges now preferred againſt him.

When an individual thinks proper to come forward as the adviſer and informer of the public authorities, he is bound at his peril to know and to be able to prove that he is well founded in his ſtatements, where other individuals may be hurt by his ſuggeſtions. But Colonel Munro was placed in a ſituation, in which he was bound to adviſe the Commander in Chief as to the ſtate of the Army, to deliver his ſentiments, ſuch as they were, and from ſuch ſources as he might have opportunity of forming them, liable like all men to be miſinformed or to err in his concluſions; if he had been called upon to ſtate his opinion as to the conduct or character of any individual of the Army, he was bound freely, fully and conſcientiouſly to do ſo, and was entitled to protection in it however hard that opinion might bear upon the individual. The regular and authorized adviſer of the public authorities, becomes identified with the authorities which conſult him. He is anſwerable to them and to thoſe ſuperiors to whom they are anſwerable, but not to the perſons whom thoſe authorities have to controul, and againſt whom it may have been his duty to adviſe. I perfectly accede to the propoſition of Colonel Munro, that if the adviſers of any public authority were to be amenable to the individuals affected by the advice given, no man could do his public duty with ſafety. But the paper complained of appears, and has already been ſhewn, from the report of the Judge Advocate General, not to contain even a charge againſt any individual officer or body of officers, but is merely a general ſtatement of the ſituation of the Army, with general reaſoning upon it, in which the Commander in Chief and the Government fully acquieſced; indeed, by the extract furniſhed me of the Minute of the late Commander in Chief, it is evident that the ſtatements and arguments uſed in that paper, are the reſult of the joint experience as well as of the joint reflection of the Commander in Chief and Colonel Munro, theſe ſuggeſtions having been adopted in practice by the higheſt authority are now its acts.

I am clearly of opinion, that the charges founded upon that paper of Colonel Munro, at the inſtance of the officers affected by it, ought not to be ſuſtained, and that Colonel Munro is entitled to the decided ſupport and protection of the authorities under which he acted, to prevent his being brought to trial upon thoſe charges, or perhaps it would be more correct to ſay, that the ſuperior authorities are entitled to vindicate their acts from being queſtioned by thoſe under their controul, in the ſhape of a trial of the advice under which thoſe acts have proceeded.

The report of the Judge Advocate General ſhews, in a very ſtrong manner, the effect which ſuch a trial might be expected to produce upon the diſcipline and ſubordination of the Army.

From his information I am confirmed in ſuppoſing, that in ordinary caſes the more regular courſe of correcting an embarraſſment would be through the intervention of the Commander in Chief, by ſignifying to him the opinion and intention of Government; but he agrees with me in opinion, that if in any particular caſe a neceſſity ſhould ariſe (of which Government are the only judges) to exert their indiſputable ſupreme authority directly and immediately, it is perfectly competent for them ſo to do, by diſcharging any officer from arreſt, or ſuch other meaſures as the exigency of the occaſion may require.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) A. ANSTRUTHER,
Advocate General.

Madras,
24th January 1809.

To the Adjutant General of the Army. [No. 1.]

Sir,

I had the honour on the 1ſt inſtant to receive your letter, covering a charge againſt the Quarter-maſter General of the Army, Lieutenant Colonel Munro, and deſiring, by orders of his Excellency the Commander in Chief, my opinion whether the charges could be legally brought forward in their preſent form.

As in the conſtruction of law, the legal form is intimately connected with the ſubſtance, it became material to look into the whole circumſtances of the caſe, and I was therefore induced by my letter to you of the ſame date, to requeſt to be furniſhed with a copy of the paper alluded to in the charges; your letter in reply acquaints me, that you had ſent the whole of the papers as tranſmitted to head-quarters.

Having had occaſion to ſee the Commander in Chief the ſame day, I was furniſhed by his Excellency with a copy of the paper in queſtion.

As the caſe is altogether new and unprecedented, and involves in it queſtions of the greateſt importance to military diſcipline, I have taken time to conſider it with ſome attention, and in ſtating my opinion, I beg to be allowed the liberty of alſo ſubmitting the grounds on which it is ſupported. And for the more clear apprehenſion of the whole, I ſhall obſerve the following order.

1ſt.—To ſtate the fact or ſubject of the charge.

2d.—To ſtate the clear and eſtabliſhed principles of law.

3d.—To apply the law to the fact.

4th.—To ſubjoin ſuch general obſervations as may appear to ariſe out of the collateral conſiderations of the caſe.

1.—*As to the fact or ſubject of the preſent charge.*

It reſts on the following charge.

" We the underſigned officers do hereby charge Lieutenant Colonel John Munro, " Quarter-maſter General of the Army, and Captain in the Madras European Regi- " ment, with conduct unbecoming the character of an officer and a gentleman, in " the following inſtance, viz.

" For having, in his propoſed plan for the abolition of the tent contract, lately held by officers commanding native corps, made uſe of falſe and infamous inſinuations, thereby tending to injure our characters as officers, and otherwiſe injurious to our reputation as gentlemen."

This charge is ſigned by twenty-four officers commanding corps, and forwarded in a letter, dated Bangalore, 25th of September laſt, addreſſed to Captain Macpherſon, the Secretary to his Excellency the Commander in Chief Lieutenant General Macdowall, and ſigned by the honourable Lieutenant Colonel St. Leger, and Lieutenant Colonels Rumley and Martin.

The letter, after ſtating the injury they conceived they had ſuffered upon accuſations which the Quarter-maſter General had inſinuated againſt them in his public report, adds, that a copy of the charge has been forwarded to the other diviſions of the Army, which in due courſe, they truſt, will be tranſmitted to head quarters.

As the charge is too generally ſtated to be clearly underſtood, it became neceſſary to refer to the paper on which it was grounded, being the Quarter-maſter General's report on the abolition of the tent contract.

The following is underſtood to be the offenſive paſſage in that report. Thirdly, " By granting the ſame allowances in peace and war for the equipment of native corps, while the expences incidental to that charge are unavoidably much greater in war than in peace, it places the duty and intereſts of officers commanding native corps in direct oppoſition to one another, it makes it their intereſt that the corps ſhould not be in a ſtate of efficiency fit for field ſervice, and therefore furniſhes ſtrong inducements to neglect their moſt important duties."

It appears that the late Commander in Chief, Sir John Cradock, addreſſed a letter on the 7th of February 1807, to Lieutenant Colonel Munro as Quarter-maſter General of the Army, ſtating, that the ſubject of the camp equipage had for a long time engaged his attention, and that the ſubſiſting arrangements were found erroneous.

He therefore requeſted that he would without loſs of time take this ſubject into his ſpecial conſideration, and give him (the Commander in Chief) every aſſiſtance that might enable him to form a juſt judgment.

This letter is marked private and confidential.

The Quarter-maſter General, in obedience to the above directions, enters into an examination of the exiſting ſyſtem of camp equipage, and carriage of the native troops of the Army, which he ſubmits to his conſideration in the form of a report, and forwards to him in a letter under an official addreſs on the 30th of June 1807.

This report would appear to have been favourably received and approved of by the Commander in Chief, as the plan it ſuggeſted was afterwards in part if not altogether adopted.

The papers before me do not furniſh means of tracing the further progreſs of the Quarter-maſter General's report, but it ſeems known to have gone both before the Madras Government, and alſo that of Bengal, and will no doubt come in the regular courſe before the honourable Court of Directors.

The duties of the office of Quarter-maſter General come naturally to be conſidered in this part of the caſe, for they are circumſtances of fact.

As Quarter-maſter General, the department of the camp equipage is peculiarly under his charge, and accordingly he is the proper perſon to adviſe the Commander in Chief on that head.

[No. 1.]

2.—*It was propoſed in the ſecond place to ſtate the clear and eſtabliſhed principles of law.*

It may be aſſumed as a principle, that a Commander in Chief of an Army has a right to call for the advice and opinion of any officer under his command on a ſubject of military arrangement, under that officer's peculiar department, and the opinion ſo called for is bound to be given *bonâ fide* according to his beſt abilities.

Whenever the law enjoins a duty, it protects the agent in the legal diſcharge of it. The legal diſcharge I take to be where the act is done according to the uſual and common courſe of things. On the other hand, the law will not allow any one, under the pretence of duty, to do a wanton and malicious act. If it is neceſſary that men ſhould be protected in the due diſcharge of their powers, it is equally ſo that they ſhould not be allowed to pervert thoſe powers to a bad end. But a regard to public conveniency has eſtabliſhed certain bars to the haſty accuſation of public officers, in order that they may not be intimidated from doing their duty. No action accordingly will lie againſt a judge for any act done in his judicial capacity, or againſt a grand juryman for preſenting or finding a bill of indictment, nor againſt a petit juryman for his verdict, though the act done ſhall be charged to be wrongful and malicious. This rule muſt have been adopted on the principle ſtated by Lord Coke, namely, that it would deter jurors from the public ſervice, if they were liable to ſuch an action in every caſe where, in the opinion of the parties againſt whom they had decided, their deciſion proceeded from malicious motives; if ſuch actions could be maintained, the multiplicity of them would render it impoſſible for a judge or juror to diſcharge the duties of his office. The exemption is therefore eſtabliſhed on behalf of the public, and reſults from principles of policy and convenience. A private proſecutor of a malicious proſecution is liable to an action on the caſe, for a malicious proſecution in preferring ſuch an indictment before a grand jury; yet if the ſame perſon, ſerving on the grand jury, were maliciouſly to preſent or to find ſuch an indictment, no action would lie. Thus it is clear that the ſame act done by the ſame perſon, and proceeding from the ſame evil motive, is or is not actionable, according to his acting in a private or a public capacity. In Hawkins (Pleas of the Crown) it is laid down, "that no one is liable to any proſecution whatever in reſpect of any verdict given by him in criminal matters, either upon the grand or petit jury;" and he ſtates the reaſon to be, "that they may not be biaſſed with the fear of being haraſſed with vexatious ſuits for acting according to their conſciences."

The following may be ſtated as clear law, viz.

No act done under the direction and with the ſanction of one authority, can be converted into a matter of crime by any ſucceeding authority of ſimilar and co-extenſive powers, unleſs the act was of itſelf originally a crime by the general law of the land. The above are the more general principles of law. Subordinate ones will come to be brought forward in the further courſe of the examination.

3.—*And now to apply the law to the fact or circumſtances of the caſe.*

It was obſerved, that whenever the law enjoins a duty it protects the agent in the legal diſcharge of it. This principle applies to every ſtate of ſociety, but is peculiarly recognized in regard to words or writings neceſſarily uſed to the diſadvantage of others.

The eſſence of the preſent charge ſeems to be, that the report was a libel or defamation. But in order to judge how far it can be regarded as a culpable or juſtifiable act, it may be proper to conſider the general rules of law as to that ſpecies of offence, as they will furniſh principles applicable to the preſent caſe.

"Nothing ſhall be conſtrued a libel which is neceſſary in the courſe of legal proceedings, and is relevant to the matter which is before the Court; ſo no matter which is ſtated in any memorial or petition for the redreſs of grievances, and addreſs in the proper channel by which ſuch redreſs may be had, that is, to the perſons only who have power to give ſuch redreſs, ſhall be deemed libellous. As where the defendant, being Deputy Governor of Greenwich Hoſpital, wrote a large volume, of which he alſo printed ſeveral copies, containing an account of the abuſes of the Hoſpital, and treating the character of many of the officers of the Hoſpital (and Lord Sandwich in particular, who was then firſt Lord of the Admiralty) with much aſperity, he diſtributed the copies to the Governors of the Hoſpital only, but it did not appear that he had given a copy to any other perſon; on a rule for information for this as a libel, Lord Mansfield held, that this diſtribution of the copies to the perſons only who were, from their ſituation, called on to redreſs the grievances, and had from their ſituation power to do it, was not a publication ſufficient to make that a libel; and he ſeemed to think, that whether the paper was printed or in manuſcript, under theſe circumſtances made no difference."—(*Eſpinaſs. Niſi Prius*, p. 505-6.)

This principle obtains, not only in regard to judicial proceedings in courts of law, but in reſpect to the memorials preſented to parliament or to other public bodies. Where a memorial or petition is preſented to a court of juſtice, or to perſons holding cognizance over the caſe, they are held to be the only judges whether the expreſſions it contains are proper or not, and ſuch as they deem irrelevant or too offenſive, they will direct to be ſtruck out, or cenſure the Memorialiſt for having uſed them.

The ſame principles apply to the preſent caſe. The obſervations of the Quarter-maſter General aroſe out of the nature of the ſubject, and were made in the diſcharge of an official duty. Neither were they made public further than the neceſſity of the caſe required. The letter of the Commander in Chief is headed *private* and confidential. At the bottom of the copy which I have received there is ſubjoined, "this letter was afterwards recorded on the proceedings of Government as a public document." But ſurely it did not become a public document, from the circumſtances of being ſo recorded, for the proceedings of Government are not open to public or general inſpection; and acceſs can only be had to them on an official

official application for ſome purpoſe of duty. An application to Government from any of the officers who ſigned the charge for the purpoſe of examining how far they were perſonally injured by the report, would not, it is believed, have procured acceſs to records at leaſt during the period of former Governments, ſtronger perſonal grounds for inſpection of papers have been refuſed. A court of juſtice will refuſe a copy of their proceedings in order to ground a criminal proſecution on, where they diſapprove of the meaſure. In like manner a Government, it may be ſuppoſed, will refuſe a paper from their records, where they conceive it is to be uſed to the detriment of an individual, whoſe conduct they have ſanctioned, or if they ſhould grant it at all it will only be on a legal notice from a court of juſtice. But be this as it may, if the original letter from the Commander in Chief was private, the letter in reply to it muſt be conſidered equally ſo, as being a mere acceſſary or contingency to the firſt, and therefore following the nature of its principle. And the inferior officers could not well enjoin ſecrecy to the Commander in Chief on the face of this letter, as he had done. There is, therefore, no ground for conſidering the letter as a paper open to the public uſes that has been made of it; and if the paper is not publiſhed and acted upon by official authority it muſt be conſidered as a ſurreptitious document from one of the public officers, which that officer can interdict the further uſe of, the ſame as the court of parliament, or other court, may interdict the publication of their records, until their permiſſion in that reſpect is firſt obtained. [No. 1.]

Government have therefore a clear right to ſtop all further proceedings by their ſervants as to that paper, it being part of one of their records in the ſecret and political department, any ſervant refuſing to obey their orders in this reſpect might be liable to forfeit their ſervice. We give this as the extent of their legal powers, how far they may judge it proper to act on theſe is entirely within their own diſcretion.

No act, it was obſerved, done under the direction and with the ſanction of one authority, can be converted into matter of crime by any ſucceeding authority of ſimilar and co-extenſive powers, unleſs the act itſelf was originally a crime by the general law of the land.

A political meaſure being often only fit or unfit, in reference to particular junctures or times, is always examinable by a ſucceeding Government, and adhered to or reverſed on their diſcretion: But a legal or moral queſtion being at all times equally certain is never drawn in queſtion before a ſucceeding Government, where the former has ſanctioned the act, unleſs the thing complained of was diſtinctly a crime and had not been tried. Lieutenant Drake of the Artillery laid ſome complaint before General Clarke, as Commander in Chief, reſpecting a court of enquiry that he conceived he had ſuffered by, during the period of Colonel Brathwaite's command of the Army; his (General Clarke's) anſwer was, that he ſuppoſed the former Commander knew his powers, and he was not come out to examine into the acts of his predeceſſors. I take this from memory, having no note of the tranſaction.

The principle in theſe caſes is, firſt, that there is a certain period at which juriſdiction naturally commences; and ſecondly, that equals have no authority over equals, one or two judges cannot, in caſe of an appeal, be reverſed but by a greater number, or by a higher authority; error in parliament can only be reverſed there, becauſe there is no higher authority.

That a poſitive crime, when committed, during the period of a former Commander in Chief's command, and not then proceeded againſt, may be proſecuted during the period of his ſucceſſor's authority is clear, unleſs preſcribed by the King's articles of war. But when the matter is not of itſelf declared a crime by poſitive law, but only become ſo by inferences and conſtructive reaſoning, and has ariſen out of the act of the former Commander, it would appear to me very doubtful how far it could on this new ſenſe of things become puniſhable. "Every member of ſociety (ſays *Beccaria*) ſhould know when he is criminal and when innocent." (ch. xi.) But it is impoſſible to know this if an act is to be ſanctioned by one Commander in Chief, and then regarded as a crime by his ſucceſſors. For it is neceſſary that the thing ſhould be regarded a crime, before a criminal charge can be admitted in regard to it.

The great principle of military law, as handed down from the moſt antient times, is, "Let there be no appeal in military caſes; let the order of the General who commanded be taken for juſt; and ratified." Such was the rule of the Romans, who beſt underſtood military diſcipline. And this principle we ſee adopted in courts of common law, who ſeldom or never admit of any military caſe being brought before them.

But to go more minutely into the actual merits of the preſent caſe. The Quarter-maſter General's crime conſiſts in having ſaid, that the ſame allowances in peace and in war places the intereſt and duty of officers in direct oppoſition. It makes it their intereſt that their corps ſhould not be in a ſtate of efficiency fit for field ſervice, and therefore furniſhes ſtrong inducements to neglect the moſt important duties.

It is to be obſerved in what capacity theſe words were ſpoken. They were given as a general principle for eſtabliſhing certain laws for the government of a community. But is this a new obſervation, that men's duties and intereſt ſhould not be placed in oppoſition? "Thoſe that have written upon civil government (ſays an eminent author) lay it down as a firſt principle, and all hiſtorians demonſtrate the ſame, that whoever would found a ſtate and make proper laws for the government of it, muſt preſuppoſe that all men are bad by nature, and that they have a fair opportunity, and though it may poſſibly be concealed for a while on account of ſome ſecret reaſon, which does not then appear to men of ſmall experience, yet time, (which is therefore juſtly called the father of truth) commonly brings it to light in the end."

And the ſame principle is to be found in every writer on Government. Laws, we are told, are made to guard againſt what men may do, and not to truſt to what they will do; nor is the

[No. 1.] the ſentiment confined to barren generalities, or ſpeculative authors. It is adopted in vulgar daily practice, and the ſame principles, delivered in nearly the ſame words, and applied to the ſame body of men, is to be found in a report delivered in to the ſame Commander in Chief only a few months previous to the date in queſtion. It had been the practice for Government to allow officers commanding ſtations, a certain per centage on ſpirituous liquors ſold by the public agent, for that commodity. The conſequence was, that the more liquor that was drank by the men, the more fanams came to be ſhared by the commanding officers on the yearly diviſion of the profit. The head ſurgeon of the center diviſion conceived that this circumſtance might in ſome inſtances encourage drunkenneſs, and in one of his reports ſuggeſts the expediency of this ſource of gain being done away; becauſe, he ſays, it can never be proper for a wiſe government to place men's duties in oppoſition to their intereſt. I quote from memory, but the above, I believe, will be found to be nearly the words uſed by Mr. Head Surgeon Berry, in one of his reports on the center diviſion for 1806.

The expreſſion ſtruck me the more forcibly, as a not incurious illuſtration of the various changes that the principles of our thinking undergo in a few years.

If the remarks of the Quarter-maſter General are founded on principle they cannot be regarded as criminal. The law of England (which is founded on good ſenſe and on inference drawn from common life) never allows duty and intereſt to come in competition, becauſe it believes that the latter will always prove too ſtrong for the former: a man ſhall not be judge in his own cauſe, a juryman ſhall not ſit where he has an intereſt, a witneſs ſhall not be heard, where he would gain an advantage one way or other by the deciſion of a cauſe; nay, he ſhall not be heard where he even ſuppoſes himſelf intereſted, or where his honour may be affected by the teſtimony he gives. Theſe exceptions are urged every day againſt the individual. The judge is objected to, the juryman is challenged, the witneſs is ſet aſide; yet none of theſe thinks his credit affected. How then can thoſe officers pretend to ſay that their characters are affected by a principle eſtabliſhed by all political writers, and adopted by our laws as one of the ſafeguards of ſociety? Let us reverſe the caſe; it has been given as a good rule for the examination of the juſtneſs of any propoſition to reverſe its principle, and then to view the amount. Suppoſing then that the Quarter-maſter General had uſed the converſe of the propoſition, and had expreſſed himſelf thus, "it is very true that this allowance puts men's duty in oppoſition to their intereſt, but it is not to be ſuppoſed that they will allow the conſideration of the one to affect the diſcharge of the other;" would ſuch propoſition have been held diſcreet and prudent in a public man? would it have been conſidered as a proper principle in an officer whoſe duty it was to controul the expenditure of public money and to check the ſources of corruption? has not the whole ſyſtem of our ſervice, and of every ſervice in the world, proceeded upon this very principle he is charged with uſing? Why were muſter-maſters formerly eſtabliſhed? and why was the payment of the corps taken away from the commanding officer, and given to the officer commanding troops and companies? or why are ſo many forms and checks eſtabliſhed for the cloathing, ſupplies and management of an Army, but upon the principle that duty is but a feeble guard againſt intereſt and ſelf gain? Was it ever objected to the officers who propoſed thoſe checks againſt corruption and abuſes, that their plans were injurious to the character of the Army? that theſe checks are not perhaps neceſſary in many inſtances, the great body of an Engliſh Army (and of this Army in particular) would always be found to be of men of honour and integrity. Yet as exceptions are ſometimes to be found in the characters of particular individuals, and as law always ſpeaks a general language, and preſcribes alike againſt all the common arrangements, muſt every where proceed as if the whole community required the ſame check. How then can it be criminal in an officer to have acted and adviſed on this principle. A crime implies the violation of ſome law, the neglect of ſome duty, or the infringement of ſome moral principle. But he acted in conformity to the ſpirit of our law; in obedience to his duty and in ſupport of the moral principle, which will always be beſt ſupported by removing men from the temptation to do wrong.

4.—*It was propoſed to ſubjoin ſuch general obſervations as may appear to ariſe out of the collateral conſiderations of the caſe.*

The liberty of diſcuſſing public meaſures has been always regarded as one of the firſt rights to ſociety, but it is very immaterial whether that right is to be controuled by the hand of power or the combination of party.

In either caſe the effect is the ſame, the preſent is an attempt to controul the diſcuſſion of public queſtions in the councils of Government and the Commander in Chief, by a combination of officers. It is impoſſible not to ſee the conſequences of ſuch an attempt. If they have a right to come forward in this inſtance, they have a right to do ſo equally in every ſimilar one, where they find their intereſts or their feelings affected. What ſecurity then can any public officer have for doing his duty. In the diſcharge of my own office as public proſecutor, I have every day to contend againſt the vices and paſſions of ſociety, every other office that is intended as a check on theſe has the ſame duty to perform. But what ſecurity can I or any other officer have againſt a criminal charge if this one is tolerated. Under ſuch circumſtances men in public ſtations will be afraid to act. Thoſe whom their office is intended to controul, will inſult and threaten them.

It may be ſaid, that the number of names affixed to the charge, calls more particularly for its being enquired into. But the number of perſons engaged in an act does not therefore legalize it. Two or more imperfect things do not make one perfect. The number of ſignatures only ſhews the ſpirit of combination, and the neceſſity of reſiſting it. Our laws expreſsly forbid tumultuous petitions, and the principle is ſtill more applicable to a military ſociety.

Whenever

Whenever a trial has been irregularly demanded, Commanders in Chief have always refiſted granting it, unleſs on charges preferred by the immediate commanding officer againſt his inferior, whom he can order in arreſt by his own act. The inſtances indeed of theſe refuſals are not ſo numerous as might perhaps be expected, becauſe the caſe is not always ſubmitted to the previous inſpection of a Judge Advocate, which might prevent a number of irregular complaints being examined into, and which only occaſion a needleſs expence and interruption of the public ſervice. [No. 1.]

It may be thought perhaps that the Quarter-maſter General's character can only be cleared up by a public enquiry. But every man's character is ſufficiently cleared, when the law does not raiſe that preſumption againſt him which is neceſſary to put him on his trial. All trial is an inveſtigation of ſomething that is doubtful, but here the fact ſpeaks for itſelf, the legality of an official act being proved by the act itſelf, where the ſuperior authorities have ratified and confirmed it.

And there could be no honour in defending a charge which the accuſers had no right whatever to agitate or prefer.

(Signed) J. LEITH,
Judge Advocate General.

Fort St. George,
7th November 1808.

Minute of the Commander in Chief. Madras, 13 July 1807.

I have the honour to lay before the Government the copy of a letter addreſſed ſome time ago to the Quarter-maſter General of the Army, which, connected with various converſations I have had with Lieutenant Colonel Munro on the ſubject of the exiſting regulations reſpecting the ſupply of camp equipage, has produced the annexed reply and very able ſtatement from that officer.

It would be ſuperfluous in me to urge at any length the validity of the arguments ſet forth in the Quarter-maſter General's report, as I may ſay they convey the reſult of our joint reflection upon the ſubject, and are the iſſue of that experience which ariſes from our reſpective ſtations.

I feel ſtrongly perſuaded that if the ſyſtem propoſed take effect, under ſuch improvements as the wiſdom of the Council may ſuggeſt, the greateſt benefit will enſue, and that economy and military propriety will be equally ſecured. The former principle, I conceive, will go to a much greater extent than exhibited, as with a deſign to prevent the chance of error or extraordinary latitude of expence, was admitted.

I ſhould not act fairly with Government did I not apprize the Council, that I imagine the plan ſubmitted will be viewed in a very unfavourable light by the commanding officers of regiments, for reaſons too obvious to require remark; and as the ſuppoſed injury will fall upon that claſs of officers whom the peculiar and local circumſtances of this country place in a ſituation that really demands adventitious ſupport and every alleviation of expence, I am moſt anxious that the Government ſhould conſider their caſe, and while they are about to derive an exceſſive ſaving at the "alleged" expence of thoſe officers who could only reimburſe themſelves for the paſt charges of war by the advantages of peace in the exiſting contract, extend to them a reaſonable compenſation, that will not only have the effect of an apparent act of juſtice, but in its operation invite officers of rank to reſidence with their corps, and turn their attention to regimental command.

Under this impreſſion I ſubmit to Government the plan as detailed in the Quarter-maſter General's letter, accompanied by a ſtatement of the expence of allowing a ſuperior batta to the Lieutenant Colonels actually commanding corps and ſtations, an arrangement not new in principle, but only an extenſion of the one exiſting.

The recent abolition of the Bazar fund, a ſource of new and extreme profit to the ſtate, taken away from the commanding officers of ſtations, by the aid of which, the required hoſpitality throughout this extenſive country, that affords no accommodation to the traveller or aſſiſtance to the ſick officer, or various wants not to be deſcribed, ſeems to plead the cauſe of officers commanding ſtations with a reſiſtleſs force; for the ſame demand upon their feelings and generoſity remain undiminiſhed, and their means have ſuffered a deep alteration.

(Signed) J. F. CRADOCK,
Lieutenant General.

No. 17.—Copy of a Letter to the Commander in Chief, 24th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

Par. 1.—I have the honour to acquaint your Excellency, by deſire of the honourable the Governor in Council, that the Quarter-maſter General of the Army has laid before the Governor in Council, a repreſentation of the circumſtances under which your Excellency has adopted the determination of placing that officer in arreſt.

2.—The Governor in Council directs me to ſtate to your Excellency, that this event has excited in his mind the moſt painful feelings. It is impoſſible at the moment of the diſpatch of the fleet for England, to go into a minute explanation of all the conſiderations connected with it; but I am directed to ſuggeſt, in the moſt earneſt manner, for your Excellency's conſideration, that the act on which it appears that the charge preferred againſt Lieutenant Colonel Munro has been founded, is now the act of the Government, having been approved and adopted in the moſt public and formal manner, both by the Government of Fort St. George and by the Supreme Government. The Governor in Council

[No. 1.] is called upon therefore to ſtate, he can never give his concurrence to the expoſure of a public officer to obloquy and degradation, for opinions which he may have expreſſed in the fulfilment of his public duty, approved and confirmed as theſe opinions have been by every competent authority.

3.—The Governor in Council is at preſent unable to diſcuſs the particular grounds of the opinion in queſtion; but he thinks it proper to obſerve, that he has looked in vain for any juſt cauſe of complaint, that it might be poſſible by any conſtruction to attach to them, and this conſideration muſt add to the weight of public obligation impoſed on this Government, to give its firmeſt ſupport to an officer againſt whom no other charge is apparently imputable, than that ariſing from the faithful and conſcientious performance of his public truſt.

4.—As it is impoſſible that the conduct of Lieutenant Colonel Munro can be ſubmitted to the cognizance of a court-martial on the charge now preferred, without involving a diſcuſſion and trial of the public meaſures of the late Commander in Chief, and of the Government, the Governor in Council might have been led to expect a previous communication from your Excellency on this important queſtion; and the Governor in Council cannot but deeply feel the ſentiments which have been expreſſed by your Excellency in ſome part of the papers now before the Government. The Governor in Council, however, under the preſſure of the occaſion, waives all conſideration of this nature; and his views being ſolely directed to the means beſt calculated to preſerve the foundations of public confidence and of public authority; I have been commanded moſt earneſtly to recommend to your Excellency the releaſe of Lieutenant Colonel Munro from his preſent arreſt.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,

Fort St. George,
24th January 1809.

(Signed) G. BUCHAN.
Chief Sec. to Gov.

No. 18.—Copy of a Letter from the Commander in Chief, 25th January 1809.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

I am favoured with your letter of this date, and have the honour to requeſt that I may be favoured with a copy of Lieutenant Colonel Munro's appeal to Government, which I only curſorily inſpected when tranſmitted to me by that officer; and until I have peruſed it, I ſhall take the liberty to defer replying to the diſpatch from you, written by the command of the honourable the Governor in Council.

I am, Sir,
Your very faithful ſervant,

Madras,
25th January 1809.

(Signed) HAY MACDOWALL.

No. 19.—Copy of a Letter to the Commander in Chief, 25th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

Par. 1.—I am directed by the honourable the Governor in Council to acknowledge the receipt of your letter of this date, and have the honour to tranſmit to your Excellency, by deſire of the Governor in Council, the original letter received from Lieutenant Colonel Munro.

2.—It being an original paper, it is the requeſt of the Governor in Council, that your Excellency will give directions for its being returned when not further required.

I have the honour to be,
&c. &c. &c.

Fort St. George,
25th January 1809.

(Signed) G. BUCHAN.
Chief Sec. to Gov.

No. 20.—Copy of a Letter from the Commander in Chief, 24th January 1809.
With one Encloſure.

The honourable Sir George Barlow, Bart. K. B. &c. &c. &c.

Sir,

I have the honour to ſubmit for your peruſal a letter which has been forwarded from Captain Macdowall, written with a view to relieve him from your diſpleaſure. I ſincerely truſt it may have the effect.

I have the honour to be, honourable Sir,
Your very obedient humble ſervant,

Madras,
January 24th 1809.

(Signed) HAY MACDOWALL.
Lieut. General.

To the honourable Sir George Hilaro Barlow, Bart. K. B. Governor in Council,
&c. &c. &c.

Sir,

I am concerned to find that a letter which I addreſſed a few days ſince to the Commander in Chief, and which his Excellency forwarded to Government, has been viewed in a light far different from my intention.

Having

Having had no wiſh but to expreſs myſelf with moſt perfect reſpect, and to obtain the employment on ſervice which I ſolicited, I can only now requeſt that you will do me the favour to return that letter, and permit me to withdraw it. [No. 1.]

I have the honour to be,
with the greateſt reſpect, Sir,
your moſt obedient humble ſervant,
(Signed) S. MACDOWALL,
Aſſiſt. Adjutant General
to the Army.

Fort St. George,
24th January 1809.

No. 21.—Copy of a Letter to the Commander in Chief, 25th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

The honourable the Governor having recorded your letter of the 24th inſtant, with a letter from Captain M^cDowall, I have received the directions of the Governor in Council to return Captain M^cDowall's former letter agreeably to his requeſt.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) G. BUCHAN.
Chief Sec. to Gov.

Fort St. George,
25th January 1809.

No. 22.—Copy of a Letter from the Commander in Chief, 25th January 1809.
With an Encloſure.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

It is not without a mixture of ſurprize and regret I have peruſed your letter of yeſterday's date, on the ſubject of the arreſt of the Quarter-maſter General. I was totally unprepared to receive from the honourable the Governor in Council an implied cenſure on my conduct as Commander in Chief of this Army, and a direct interference from the civil authority with the only prerogative almoſt remaining in his hands, the power of judging of the propriety of bringing to trial every officer who may be accuſed of crimes or miſdemeanors; ſuch interference, I preſume to think, is unprecedented, and ſtrikes me as encouraging a very dangerous example, by holding out to the Army protection and ſupport, in defiance of the judgment and authority of the perſon appointed by the Legiſlature to direct and controul the department placed under his immediate charge; it reduces the articles of war to a dead letter, and is deſtructive of every military principle.

The charges preferred againſt Lieutenant Colonel Munro by a body of reſpectable officers, after much reflection, I ſaw no correct method of diſpoſing of but by the meaſure I have adopted; it is the only legitimate method of affording him an opportunity of vindicating his character; and, in that event, being the reſult of the deliberations of a court-martial, he will then be enabled to bring his accuſers to trial; they are anſwerable for their acts; and the perſeverance with which they adhere to their purpoſe, has led me to imagine that they conſider their proceedings as the beſt adapted to relieve him from injurious aſperſions.

Under this view of the matter, the obſervations of the honourable the Governor in Council, in regard to the plans of the Quarter-maſter General, having been approved of by Government, cannot occaſion on my part any deviation from the line to be purſued, which is ſtrictly military; nor can I evade bringing the queſtion to iſſue without compromiſing the honour of the whole Army, and therefore very ſincerely have to lament that I cannot comply with a recommendation ſo earneſtly urged by the honourable the Governor in Council.

I have further to ſtate, for the information of the honourable the Preſident in Council, that I ſhall direct a charge to be exhibited againſt Lieutenant Colonel Munro, for diſreſpect to the Commander in Chief, in preſuming to addreſs Government, it being contrary to eſtabliſhed orders, ſubverſive of military diſcipline, and in oppoſition to the cuſtoms of the ſervice.

To elucidate this ſubject, I have the honour to requeſt you will ſubmit to the honourable the Governor in Council, the accompanying extract of a letter from the late revered and lamented Marquis Cornwallis.

The warrant which I poſſeſs from His Majeſty, and the commiſſion I hold from the Eaſt India Company, guide me in the diſcharge of the important duties attached to my ſituation, and which veſt in me certain rights and powers which I cannot without danger abandon.

Had any other proceſs appeared to me practicable for leſſening the difficulties of this diſagreeable caſe, I ſhould have been moſt happy in having had recourſe to the mildeſt means for bringing it to a concluſion; but perhaps the honourable the Governor in Council is not aware, that if Lieutenant Colonel Munro was releaſed from arreſt to-day, he would to-morrow of himſelf demand a trial; and while his character ſuffers from the ſtrong imputations againſt it, a court-martial would be granted to him, it ſeems to be impoſſible to avoid a ſeries of court-martials; and my judgment has led me to declare, that the Quarter-

maſter

[No. 1.] maſter General ſhall be firſt tried. This officer endeavours to ſcreen himſelf by ſtating that he holds a ſituation under Government, and preſumes to deny the authority of the Commander in Chief; but the caſe is abſolutely the reverſe, as he is one of the principal ſtaff of the perſon at the head of the Army, and I deny that he can hold any communication but through the channel of his ſuperior.

I have, at the deſire of the honourable the Preſident in Council, returned Lieutenant Colonel Munro's original papers.

I have the honour to be, Sir,
Your very obedient ſervant,
(Signed) HAY MACDOWALL.

Madras,
January 25th 1809.

Extract of a Letter from Earl Cornwallis; dated Fort William, 14th March 1789.

Recorded in the Office of the Adjutant General of the Army.

" I truſt, if it has not been already done, that the Government of Fort St. George will, upon mature deliberation, ſee the neceſſity of recalling ſo indefenſible a reſolution; and before I conclude this letter, I muſt expreſs my wiſh, that it would be recollected by the civil and military department at Madras, that the * Adjutant General of the company's troops on that eſtabliſhment cannot, without the greateſt irregularity, unleſs, as I have already mentioned, the functions of the Commander in Chief ſhould be exerciſed by the Board, have any direct communication with the Civil Government, he has no independent authority of his own, but is only an executive inſtrument in the hands of the Commander in Chief, or of the ſenior officer of the troops, when diſcharging, as at preſent, the duties of that officer for circulating his orders to the Army, in the manner that he may think proper to direct. All minutes of council or orders of Government that relate to the troops, ought to be addreſſed directly to the Commander in Chief or ſenior officer, and he alone ſhould be held reſponſible to Government, for the purpoſe of diſtribution and effectual execution of them.

* The Quarter-maſter General is in the ſame predicament.

(A true Extract.) (Signed) F. CAPPER,
Adjutant General."

No. 23.—Copy of a Letter to the Commander in Chief, 27th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

Par. 1.—I am directed by the honourable the Governor in Council to acknowledge the receipt of your Excellency's letter of the inſtant, and to expreſs the requeſt of the Governor in Council to be informed, whether he is to underſtand from that communication, that it is your intention to decline a compliance with the orders of the Governor in Council, on the ſubject of the releaſe of the Quarter-maſter General from arreſt; as under the explanation conveyed in the letter which I had the honour of addreſſing to your Excellency, by deſire of the Governor in Council, on the 24th inſtant, the Governor in Council conſidered that communication to be equivalent to the expreſſion of his orders on the ſubject.

2.—The Governor in Council will be ſolicitous to receive your Excellency's early reply on this point.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) G. BUCHAN,
Chief Sec. to Gov.

Fort St. George,
7th January 1809.

No. 24.—Copy of a Letter from the Commander in Chief, 27th January 1809.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

I am favoured with your letter of this date, and loſe not a moment to reply to it.

In my commiſſion from the Eaſt India Company it is ſtated, that I am appointed Commander in Chief at the Preſidency of Fort St. George, ſubject however to the orders of the Governor in Council; but as in my humble judgment this is meant to imply that ſuch orders ſhould be legal and conſtitutional, I do not ſee how I can yield up my military authority without proteſting againſt what I conceive to be an undue interference. This I am compelled to do in my own vindication, and to defend me from the diſpleaſure of my Sovereign.

If under this proteſt the honourable the Governor in Council is pleaſed to perſiſt in conveying to me a poſitive order that Lieutenant Colonel Munro ſhall be releaſed, I muſt of courſe ſubmit; by this act the degradation of the Commander in Chief will be completed, and I ſhall moſt ſeriouſly lament that the honourable the Governor in Council ſhould have had recourſe to ſo unexampled a meaſure.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) HAY MACDOWALL.

Madras,
27th June 1809.

No. 25.—Copy of a Letter to the Commander in Chief, 27th January 1809. [No. 1.]

To Lieutenant General Macdowall, Commander in Chief.

Sir,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your Excellency's letter of this date, and to convey to you the orders of the Governor in Council, that you do forthwith releaſe Lieutenant Colonel Munro from his arreſt.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) G. BUCHAN,
Chief Sec. to Gov.

Fort St. George,
27th January 1809.

No. 26.—Copy of a Letter from the Commander in Chief, 23d January 1809:—With Memorial from the officers.

George Buchan, Eſq. Chief Secretary to Government.

Sir,

Placed at the head of an Army of near ſeventy thouſand men, commanded by as brave and patriotic a body of officers as ever did honour to the profeſſion of arms, it is a duty I owe to them and to the high ſituation I hold, to do every thing in my power to protect their rights and to redreſs their grievances.

The accompanying memorial from the officers compoſing the Madras Army, and addreſſed to the honourable the Court of Directors, is ſo fully expreſſive of their feelings, and ſtates ſo temperately their ſeveral complaints, that it cannot fail to make a deep impreſſion on the minds of the repreſentatives of the Eaſt India Company.

While chearfully performing their duty, amidſt the alarm and peril incident to a ſoldier's life, they have gradually witneſſed the annihilation of every emolument that could afford preſent comfort, or have held out, though at a remote period, a proſpect of future competency, and a hope of reviſiting their native land; they are now reduced to a bare ſubſiſtence, and are doomed to paſs their lives in this remote and unwholeſome climate, without a chance of ever beholding their families or connections. Such a ſituation muſt warmly intereſt the mind of the humane and liberal, and ſhould their appeal acquire the additional aid of the recommendation of the honourable the Preſident in Council, joy will be diffuſed in every countenance, and ſucceſs muſt follow if their cauſe is eſpouſed by a juſt and generous Government.

I have, &c. &c.
(Signed) HAY MACDOWALL,
Lieutenant General.

Madras,
23d June 1809.

To the honourable the Court of Directors, for the Honourable East India Company, &c. &c.

Honourable Sirs,

1.—We the underſigned officers of the honourable Company's Army on the Eſtabliſhment of Fort St. George, being firmly perſuaded that the intereſts of our honourable Maſters are inſeparable from our own, and impreſſed with a full confidence in the candour and liberality ſo eminently the characteriſtic of the honourable the Eaſt India Company, have come to the reſolution of ſubmitting our grievances to the conſideration of your honourable Court.

2.—The officers of the Madras Army feel confident the ſubject will meet with that favourable attention which its importance dictates, and that our repreſentation will be viewed in the light intended, a reſpectful but ſolemn appeal to your feelings as men, and to your juſtice, prudence, and impartiality as rulers of a vaſt empire.

3.—The peculiar nature and conſtitution of the Company's Army, ſo different from that of any other in the world, is in the firſt place a proper object of conſideration. In entering the national ſervice of our country, a Britiſh ſubject may calculate fairly on ſpending at leaſt a conſiderable portion of his military life in the enjoyment attendant on a reſidence in his native land; but ſuch is the conſtitution of your ſervice, that it is neceſſary, before a young man can embrace it, that he ſhould have made up his mind to ſacrifice, for the preſent, every tie of kindred and connection, to ſubmit to a long and painful ſeparation, in a climate moſt ungenial to his conſtitution, from all that he holds moſt dear, in the hope that at a future period he may be enabled to return to them, crowned by the hands of honour and virtue, with that competence to which he looks forward as the ſolace of his troubles, the juſt reward of his meritorious ſervices. Deprive him of that proſpect, what is his profeſſion but ſlavery? What is his life but a burden?"

4.—The ſervice did till lately realize in a great meaſure theſe expectations, but the preſent exhibits a melancholy reverſe. The chief ſources of emolument hitherto enjoyed by the Army no longer exiſt, thus rendering our proſpects moſt gloomy, as thirty or forty years muſt now be paſſed in the ſervice before that rank can be obtained, which will entitle them to reap, in a ſmall degree, the harveſt of their toils; of what worth then is ſuch independence, when health, the greateſt bleſſing in life, is flown, and when age prohibits the power of enjoying it.

5.—How few eſcape the ravages of war and diſeaſes incidental to the climate experience has ſhewn, but ſtill the proſpect of reviſiting, at no ordinary length of time, our native land in comfort cheers us in the dreary path; but if this object is removed or placed at ſuch a diſtance

[No. 1.]

as to be almoſt without our reach, hope is deſtroyed and emulation ceaſes to exiſt. Families of reſpectability will no longer conſider your ſervice as a liberal proviſion for their ſons; vacancies muſt be ſupplied by ſuch deſcription of perſons as offer, and under ſuch circumſtances the fate of an Army, which at this moment may be claſſed among the moſt reſpectable in the world, is too obviouſly melancholy to be contemplated without regret and alarm.

Among the many inſtances of reduction in the emolument of the Army, we cannot avoid conſidering the abolition of the Bazar allowance, formerly granted to officers in command of diviſions and ſtations, together with the recent orders of Government prohibiting full batta to be drawn by the officers commanding ſmall poſts and garriſons, as inſtances of peculiar hardſhip. In no country perhaps in the world, are the duties of hoſpitality more ſtrictly practiſed in the general reception and entertainment of travellers, whether they may be perſonally acquainted or not. Government, in a general order under date the 1ſt November 1804, have moſt honourably and openly admitted this principle in the following paragraph :*

5 Claſs, vide G.O. 1 Nov. 1804.

"Officers commanding ſmall poſts, which from their ſituation on principal roads neceſ-
"ſarily ſubject them to expences, which the allowances of their rank is inſufficient to ſupport."

6.—To theſe, from our firſt entering into the ſervice, we have been taught to look up as our unalienable rights. They have enabled officers exerciſing commands to ſupport their reſpectability in the eyes of the natives, and it may be ſafely ſaid have not a little contributed to raiſe the Army to its preſent ſtate of eſtimation, by holding forth an adequate encouragement to young men of reſpectability to enter your ſervice.

7.—We are alſo impreſſed with a juſt ſenſe of the degradation and injury to which we have been expoſed, by the mode of ſelecting officers for general commands. On this peculiar occaſion we beg to obſerve, that it is with ſerious regret we feel the neceſſity of bringing to the notice of your honourable Court the frequent diſregard paid to your honourable Court's orders and inſtructions by the Government of Madras, particularly in the inſtance of retaining the officers of His Majeſty's ſervice in the command of principal ſtations, of which their *corps form no part*, and of the appointments of paymaſters to be held by military men, neither of which have been carried into effect, and is conſequently in direct oppoſition to your authority. The chief object of the principle lately aſſumed appears to be the total excluſion of the officers of your Army from any ſituation of truſt, reſponſibility, or emolument, by the transfer of the ſituations to the officers of His Majeſty's ſervice.

8.—We are far from wiſhing to revive any invidious diſtinctions between the two ſervices, and are fully aware of the wiſdom and neceſſity of that rule of Government which leaves to the local authorities in India the ſelection of officers for military commands, by any reſtriction with reſpect to the branches of the Army from which the ſelections are to be made; but when a decided preference is ſhewn to the officers of His Majeſty's ſervice, we cannot but expreſs a juſt indignation at meaſures ſo diſcordant to our feelings as ſoldiers, for we cannot admit for one moment the ſuperior right of His Majeſty's officers to ſituations of general command in the Indian Army, as ſuch admiſſion would alone be grounded upon a recognition of ſuperior claims and ſuperior qualifications on their part, and a renunciation of our own of thoſe advantages which may, without preſumption, be ſuppoſed to reſult from the devotion of the chief part of our lives to the ſervice of our country in this quarter of the world.

9.—We feel partial redreſs on the removing of His Majeſty's officers from ſubordinate ſtaff ſituations lately held by them, and as the juſtneſs of ſuch a meaſure ſo evidently appeared to your honourable Court, as to be adopted by your Government, we rely on a further extenſion of that juſtneſs to a removal of the preference ſhewn to His Majeſty officers in ſelection to commands ſo galling to the feelings of your officers, and to the leſſening them and your ſervice in the eſtimation of the native ſoldiers, which, with the other circumſtances combined, has been already too much affected, and though not our province to remark on the cauſes, and notwithſtanding the unhappy tumult appears to have ſubſided, yet we perceive it a circumſtance to give an additional reaſon for not longer delaying the full expreſſion of our ſentiments and feelings, for which we deplore beyond all others the melancholy events which have occurred, and while we deem it a duty, at the hazard of our lives to contribute as far as lies within our power to complete reſtoration of order, and to the revival of loyalty and attachment in the breaſts of the deluded native ſoldiery of this Eſtabliſhment, we muſt ſtate our conſcientious belief that every act which has a tendency to affect the rank, the influence, and reſpectability of the officers in the honourable Company's ſervice, muſt and ever will in its reſult prove hurtful to the diſcipline and attachment of the native army, and conſequently injurious to your intereſts, and to the Britiſh Government in India.

10—Excepting in a few inſtances, an officer has nothing now to look to but his bare pay; nothing remains to reward merit or to excite emulation. We are doomed to toil through many a painful year on an allowance ſcarcely adequate to our ſubſiſtence, until after a period of twenty-two years actual ſervice in India, we have the melancholy alternative of returning home to live in dependence and comparative poverty on the penſion of our ranks, or of combating with age and infirmities in a clime avowedly hoſtile to our conſtitutions.

11.—Did we conceive the finances of our honourable Maſters were in ſuch a ſtate as to require reductions, which renders us poor indeed, but which enrich them, we ſhould cheerfully acquieſce in ſuch meaſures; but when we find that nothing of a ſimilar nature is attempted on the other Eſtabliſhments, on the contrary, that the allowances of the Bengal Army are ſuperior to our own; we are convinced they cannot have been dictated by ſound policy or a juſt regard to your intereſts.

12.—It is almoſt ſuperfluous to preſs upon the attention of your honourable Court the advanced price of every European article of conſumption, the enhanced value of the common neceſſaries of life, and increaſe of wages of all deſcriptions of domeſtics ſo peculiar to

this

this Presidency. It seldom happens that, with the most rigid economy, the present pay and allowances meet every reasonable demand in the different ranks of your Army. [No. 1.]

13.—The next consideration we have the honour to draw the attention of your honourable Court to, is the abolition of the tent contract, recently held by officers commanding native corps, and the consequent destruction of the most active principle of prompt movement with the Army. Persons blinded by self-interest, and unaware of the extent and magnitude of the designs they propose to embrace, have presented specious plans of economy to Government, which, though they appear fair in theory, are morally impossible in practice. To cultivate these assertions, it is only necessary to compare the Mysore campaign in 1799, at but a very inconsiderable distance from the Presidency, when the public appointments and stores of the Army were carried by Government, and the memorable and eventful wars in which we have so recently been engaged with the confederate Mahratta chieftains, many hundred miles removed from our nearest frontier, the distress and inconvenience experienced on the former occasion were found so great, that the Commander in Chief (General Harris) was necessitated in General Orders to call for the assistance of individuals, and even the Sepoys, to convey a part of the public stores.

14. The active energy and zeal which pervaded the tent department, during our long protracted and desultory war with the Mahrattas, not only affords incontestible evidence of the fidelity of commanding officers of corps in the execution of their stipulated engagements, and of the attention paid by them to the health and comfort of their men, but forms a striking contrast to the difficulties and embarrassments experienced in a campaign of not six months duration, and within a hundred and fifty miles of our own territories.

15.—The tent contract for native corps was established on the 10th April 1802. From that period, as will appear by the honourable Sir Arthur Wellesley's letter to the most noble the Governor General, under date Jafferabad the 17th January 1804, many corps employed in the Mahratta campaign had been in the field, from which some of them did not return till the middle of 1806. The honourable General in his letter dwells strongly upon the loss officers sustained individually in camp equipage and other field equipments, the same arguments to the situation of officers in general, as expressed in the honourable General's letter, and in consequence of which they subsequently received six months batta as a gratuity, equally applied to commanding officers, the latter however received no extra compensation on account of the heavy damage sustained in the public camp equipage of their corps, the regulations established on the 10th April 1802 having expressly provided against it. It is but reasonable to infer, that had the commanding officers then in the field conceived that the allowance which they understood to be solemnly guaranteed to them in the public orders of Government, was to be discontinued the moment it became a temporary advantage to withdraw it, by the return of the Army to quarters, they would have made a respectful application to Government to release them from a burden of a *present expence*, without a prospect of future emolument as an indemnification for immediate loss.

We forbear recurring to every instance in which Government have experienced difficulties in conducting the camp equipage of the Army. This happened more particularly in 1791, when, at a moment of public distress, the late Marquis Cornwallis, trusting to the zeal and ardour for the interests of their employers that have, we believe, eminently distinguished the coast army in every important crisis, entrusted temporarily the conducting the camp equipage to officers commanding native corps, when he found it impossible to be conducted by Government; on this occasion (as on every other) the officers of the Army cheerfully acquiesced in a measure that was productive of advantages to the state.

Since in the instances above mentioned, with the base and unfounded insinuations against the officers commanding corps, as arguments used for depriving them of tent contract, guaranteed to them in Public Orders, must evidently at the moment have lost them the confidence of your Government, so destructive to the boasted emulation, zeal, and ardour of your officers, the service has been deeply wounded, they become the grounds of complaint, which so powerfully urge the redress we solicit: thus we the officers of the Madras Army, in one voice, humbly petition your honourable Court to grant that we be restored to and confirmed in our former privilege of participating in the profits of the Bazar fund, and that the Madras Army be placed permanently on the same allowances with that of Bengal; and in urging this request, we presume we only ask what justice demands, our services entitle us to, and what we shall ever consider as our just rights.

Under the fullest conviction of that generosity of sentiment and confidence in the wisdom of Council, which prevail in the decisions of your honourable Court, we cannot but regret and feelingly lament the injury which the public service sustains, from the representative of the Army, the Commander in Chief, being deprived of the accustomed power, from his exclusion from a seat in Council, nor is it without considerable alarm that we foresee, unaided by his council and advice, our dearest interests may be unintentionally sacrificed, and the security of the public safety endangered by measures which from a defect in military experience, are not with due precision calculated upon, the ill effects resulting from the present system have in too many instances been manifest, we therefore humbly solicit of your honourable Court to take the subject into your most serious consideration, begging to observe, that we look forward with anxious solicitude for your favourable decision on this important occurrence.

We avail ourselves of this opportunity to respectfully touch on the subject of the off-reckonings, which were said to have been thrown into a general fund, under the plea that the Colonels under the Madras Establishment derived greater advantages from them than that of Bengal; we should, we have to remark, have been ready to allow of the justice and equity of the decision, were it not that the Army of Madras are excluded from every advantage enjoyed by our brother officers in other respects on that Establishment.

To

[No. 1.] To add weight to our claims, we are not vain enough to enumerate our ſervices, which, without arrogance, may be allowed at leaſt commenſurate with that portion of your Army diſtinguiſhed by more ſubſtantial marks of your favour and conſideration. We ſhall forbear drawing a retroſpect of occaſions which called forth an unanimous voice of approbation, 'tis enough that we have accompliſhed what the wiſdom of our Governors dictated, 'tis enough for us that we have extended your dominions, and ſecured your power, and 'tis enough in our praiſe that we have done our duty, and are always ready to follow where it points the way.

Be aſſured, honourable Sirs, that our loyalty to your cauſe is unſhaken, but we feel it a duty we owe to ourſelves to ſtate what we conceive real grievances, that we may not appear tacitly to acquieſce in our own degradation; and perſuaded that our claims are founded in juſtice, we look forward with confidence to the completion of our wiſhes at no diſtant period; in the mean time we await the opportunity of diſplaying to the world (as we have done on all former occaſions) that in zeal and ardour for your cauſe and the cauſe of our country, the officers of the Madras Army yield to none.

(True copies)

(Signed) J. H. PRICE,
Sec. to Gov.

Fort St. George Eſtabliſhment,
January 1809.

No. 27.—Copy of a Letter to the Commander in Chief, 28th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

I am directed by the honourable the Governor in Council, to acknowledge the receipt of your Excellency's letter of the 23d inſtant, and of the memorial therewith ſubmitted.

The Governor in Council directs me to ſtate, that it is impoſſible he ſhould not view, with extreme diſapprobation, the ſentiments expreſſed in that paper; the ſubject will be brought under the notice of the honourable Court of Directors; but from the nature of it, the Governor in Council will conſider it proper to poſtpone any final orders regarding the diſpoſal of the paper in queſtion, until it ſhall have been laid before the right honourable the Governor General in Council.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) G. BUCHAN,
Chief Sec. to Gov.

Fort St. George,
28th January 1809.

No. 28.—Copy of a Letter from the Commander in Chief, 28th January 1809.

George Buchan, Eſq. Chief Secretary.

Sir,

I have the honour to forward to you, for the purpoſe of being laid before the honourable the Preſident in Council; a memorial from almoſt the whole of the officers in command, of the native corps under this Eſtabliſhment, which they requeſt may be tranſmitted to the honourable the Court of Directors.

I beg leave to ſtate, that I had not ſeen this memorial at the time I directed Lieutenant Colonel Munro to be placed under an arreſt, upon charges preferred againſt him by the officers.

I have the honour to be, Sir,
Your very obedient humble ſervant,
(Signed) HAY MACDOWALL,
Lieutenant General.

Madras,
28th January 1809.

No. 29.—Copy of a Letter to the Commander in Chief, 28th January 1809.

To Lieutenant General Macdowall, Commander in Chief.

Sir,

I am directed by the honourable the Governor in Council, to acknowledge the receipt of your Excellency's letter of this date, and to acquaint you, that under the orders recently paſſed on the ſubject of the charge preferred againſt the Quarter-maſter General of the Army, the Governor in Council conſiders the tenor of the memorial tranſmitted with your Excellency's letter to be objectionable and improper to be ſubmitted to the honourable Court of Directors. I have accordingly the honour to return the memorial by deſire of the Governor in Council.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) G. BUCHAN.
Chief Sec. to Gov.

Fort St. George,
28th January 1809.

No. 30.—Copy of General Orders publiſhed by the late Commander in Chief, 28th January 1809.

[2782.]

(GENERAL ORDERS.)

Head-quarters, Choultry Plain, 28th January 1809.

G. O. by the Commander in Chief.

THE immediate departure of Lieut. General Macdowall from Madras, will prevent his purſuing the deſign of bringing Lieutenant Colonel Munro, Quarter-maſter General, to trial for

for diſreſpect to the Commander in Chief, for diſobedience of orders, and for contempt of military authority, in having reſorted to the power of the Civil Government in defiance of the judgment of the officer at the head of the Army, who had placed him under arreſt on charges preferred againſt him by a number of officers commanding native corps; in conſequence of which appeal direct to the honourable the Preſident in Council, Lieutenant General Macdowall has received a poſitive order from the Chief Secretary to liberate Lieutenant Colonel Munro from arreſt. [No. 1.]

Such conduct on the part of Lieut. Colonel Munro being deſtructive of ſubordination, ſubverſive of military diſcipline, a violation of the ſacred rights of the Commander in Chief, and holding out a moſt dangerous example to the ſervice, Lieutenant General Macdowall, in ſupport of the dignity of the profeſſion and his own ſtation and character, feels it incumbent on him to expreſs his ſtrong diſapprobation of Lieutenant Colonel Munro's unexampled proceedings, and conſiders it a ſolemn duty impoſed upon him to reprimand Lieut. Colonel Munro in General Orders; and he is reprimanded accordingly.

(Signed) T. BOLES,
Deputy Adjutant General.

No. 31.—Copy of a General Order by Government, Fort St. George, 31ſt January 1809.

G. O. by Government.

IT has recently come to the knowledge of the honourable the Governor in Council, that Lieutenant General Hay Macdowall did, previouſly to his embarkation from this Preſidency, leave to be publiſhed to the Army a General Order, dated the 28th inſtant, in the higheſt degree diſreſpectful to the authority of the Government, in which that officer has preſumed to found a public cenſure on an act adopted under the immediate authority of the Governor in Council, and to convey inſinuations groſsly derogatory to the character of the Government, and ſubverſive of military diſcipline, and of the foundation of public authority.

The reſignation of Lieutenant General Macdowall of the command of the Army of Fort St. George not having been yet received, it becomes the duty of the Governor in Council, in conſideration of the violent and inflammatory proceedings of that officer on the preſent and on other recent occaſions, and for the purpoſe of preventing the poſſible repetition of farther acts of outrage, to anticipate the period of his expected reſignation, and to annul the appointment of Lieutenant General Macdowall to the command of the Army of this Preſidency. Lieutenant General Macdowall is accordingly hereby removed from the ſtation of the Commander in Chief of the forces of Fort St. George.

The Governor in Council muſt lament, with the deepeſt regret, the neceſſity of reſorting to an extreme meaſure of this nature, but where a manifeſt endeavour has been uſed to bring into degradation the ſupreme public authority, it is eſſential that the vindication ſhould not be leſs ſignal than the offence, and that a memorable example ſhould be given, that proceedings ſubverſive of eſtabliſhed order can find no ſecurity under the ſanction of rank however high, or of ſtation however exalted.

The General Order in queſtion having been circulated under the ſignature of the Deputy Adjutant General of the Army, it muſt have been known to that officer, that, in giving currency to a paper of this offenſive deſcription, he was acting in direct violation of his duty to the Government, as no authority can juſtify the execution of an illegal act, connected as that act obviouſly, in the preſent caſe, has been with views of the moſt reprehenſible nature, the Governor in Council thinks it proper to mark his higheſt diſpleaſure at the conduct of Major Boles, by directing that he ſhall be ſuſpended from the ſervice of the honourable Company.

The General Order left by the Commander in Chief for publication, under date the 28th inſtant, is directed to be expunged from every public record, and the Adjutant General of the Army will immediately circulate the neceſſary orders for this purpoſe.

By order of the honourable the Governor in Council.

(Signed) G. BUCHAN,
Chief Sec. to Gov.

No. 32.—Copy of a General Order by Government, Fort St. George, 1ſt February 1809.

G. O. by Government.

IT having been made known to the honourable the Governor in Council, that the Adjutant General of the Army was materially implicated in the meaſure of giving currency to the offenſive General Order of the Commander in Chief, dated the 28th ult. it becomes the duty of the honourable the Governor in Council to direct, that Lieutenant Colonel Capper be ſuſpended from the ſervice of the honourable Company; and that officer is hereby ſuſpended accordingly.

The Governor in Council directs, that Major Robert Barclay will take charge of the duties of the office of Adjutant General until further orders.

By order of the honourable the Governor in Council.

(Signed) G. BUCHAN,
Chief Sec. to Gov.

[No. 1.]
Gen. Letter Mil. Dep. 28 Feb. 1808.

Military Department.—GENERAL LETTER, 28th February 1808

With three Enclosures.

To the honourable Court of Directors for Affairs of the honourable the United Company of Merchants of England, trading to the East Indies.

Honourable Sirs,

WE have the honour to transmit to your honourable Court, by the present opportunity, copies of our dispatches in this department, dated 29th and 31st ultimo, and 3d instant.

2.—Those dispatches will inform you of the measures which we deemed it our duty to adopt, with regard to the late Commander in Chief at this Presidency, and with regard to the Adjutant General and Deputy Adjutant General of the Army.

3.—In addition to the papers referred to in the above dispatches, we submit, for your information, the copy of a further report laid before us by the Judge Advocate General, in which that officer has reviewed with ability and judgment the grounds of proceedings adopted by this Government. The report commences from the period of the charges which were preferred against the Quarter-master General, and the points which it particularly discusses are, the illegal nature of those charges; the decided right of the Quarter-master General to immunity from all personal responsibility, for the opinions which he had stated in the fulfilment of his public duty; the legal and clear right of the Government to interpose its authority in checking the proceedings of the late Commander in Chief, and in liberating the Quarter-master General from arrest; the outrage offered by the late Commander in Chief to the civil authority, in publishing the General Order which led to his removal from the command of the Army; and the reprehensible and illegal conduct of the Adjutant General and Deputy Adjutant General of the Army, in giving currency to an inflammatory paper of that description.

4.—We have thought it proper to state in this place, an outline of the tenor of the report of the Judge Advocate General; but from the chain of reasonings which it conveys, grounded on a series of legal authorities, it is necessary to refer you to the paper in question for a correct view of the case.

5.—With regard to the course which we observed towards the late Commander in Chief, we believe that the reasons already stated to your honourable Court in explanation of our measures, will be deemed conclusive, and that your honourable Court will be satisfied, that it was only by measures of signal severity and example that we could hope to maintain the public authority, under the evils to which it was exposed by such wanton and unprovoked aggressions, as, whatever may have been the intention of their author, were in their nature calculated to excite a universal spirit of insubordination and mutiny in the Army, and to place the military in direct opposition to the civil power.

6.—We consider the same observations to apply to the officers of the Adjutant General's office. The Judge Advocate General has fully discussed the legal responsibility of those officers, and the course which it would have been competent and proper for them to have followed, if they had been actuated by a correct sense of their public duty.

7.—In promoting the currency of the inflammatory order of the late Commander in Chief, those officers had committed an act of great enormity; but it was remote from our desire to punish wantonly, and we had no wish but to preserve the foundations of public order. We were therefore fully prepared to have received any acknowledgment, which either or both of the officers in question might have made as an atonement for their conduct.

8.—If the act by which they had, to the extent of their means, injured and insulted the authority of the Government, had proceeded from any imperfect conception of their duty, as to their obligation to execute an order in itself unconstitutional and illegal, or if they had entertained a desire to repair the injury, the course was open and obvious. But the course which was adopted was in every respect the reverse of

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the mode of proceeding which the public duty of thoſe officers imperiouſly required. The language which was held was very different from that of acknowledgment and atonement, and the conduct which was obſerved was calculated to inflame to a higher degree, and not to allay, a ferment already too much excited. [No. 1.] Gen. Letter Mil. Dep. 28 Feb. 1808.

9.—In theſe circumſtances the Adjutant General of the Army, and his Deputy, became in all reſpects parties to the dangerous proceedings of the late Commander in Chief, and the ſame powerful reaſons which prompted our meaſures with regard to the late Commander in Chief, compelled us to extend the puniſhment to the officers of his ſtaff who ſhared in his offences.

10.—In adopting thoſe and the other meaſures which we have reported to your honourable Court, we have diſcharged, according to the beſt of our judgment and conſcience, the ſacred duty which we owed to the Company and to our Country. We are ſatisfied that thoſe meaſures were eſſential to the ſupport of the authority of the Government; and though the difficulties with which they have been attended, have been of no ordinary nature, we rely with confidence in the juſtice, wiſdom, and firmneſs of your honourable Court, for that ſanction of our proceedings which muſt be eſſential to render them effectual and of permanent advantage to the public intereſts.

11.—We have the honour to forward, for your information, the copy of a General Order, which we judged it adviſable to publiſh to the Army, for the purpoſe of explaining the circumſtances which had attended the releaſe of the Quarter-maſter General from arreſt, as it came to our knowledge that a great degree of miſapprehenſion exiſted on that ſubject.

12.—In concluding the General Order we ſtated, that having given the above explanation, we deemed it our further duty to obſerve, that the queſtion which had been under deliberation was to be conſidered as concluded; that the further agitation of ſubjects of that nature could be availing for no purpoſe but that of diſturbing the eſtabliſhed courſe of public affairs, and for the excitement of feelings injurious to order and authority, and it was accordingly of importance to the public welfare that the circumſtances connected with it ſhould be conſigned to oblivion.

13.—Lieutenant Colonel Martin having been one of the officers concerned in preferring charges againſt the Quarter-maſter General, we thought it proper to withdraw the leave which had been granted to that officer to proceed to Europe, until the diſcuſſion which had occurred on the ſubject of the charges ſhould be terminated.

14.—Lieutenant Colonel Martin having been ſubjected to ſome expence by the forfeiture of the paſſage which he had taken in one of the ſhips of the late fleet, we thought it reaſonable and proper, on a general view of the caſe, that on the diſcuſſion being finally cloſed in the manner we have ſtated, that officer ſhould be reimburſed in the loſs which he had incurred, amounting to 1,000 pagodas.

15.—We have permitted Lieutenant Colonel Martin to proceed to England on the Sir Stephen Luſhington.

16.—We have received an application from Major Boles, late Deputy Adjutant General of the Army, to be permitted to embark on that ſhip; but from the nature of the ſervice in which the Sir Stephen Luſhington is about to be employed, we have conſidered it improper to comply with the requeſt of Major Boles.

17.—Lieutenant Colonel Capper, late Adjutant General, was permitted to embark for England on an American veſſel, a few days after his ſuſpenſion from the ſervice of the Company.

18.—We tranſmit, by this opportunity, a Memorial which has been addreſſed to your honourable Court by Major Boles; under the explanation which we have already ſtated; we conſider no obſervation on the ſubject of that Memorial to be neceſſary.

19.—We have the honour to acquaint you, that Major General Gowdie, who has been for the preſent appointed to the command of the Army of this Preſidency, has arrived from the northern diviſion, and has entered on the duties of his ſtation.

20.—It is extremely ſatisfactory to us to be enabled to add, that the courſe of proceeding which has been adopted by Major General Gowdie is of the moſt correct nature,

[No. 1.] nature, and we have no doubt that it will in a ſhort time retrieve the military affairs of this Preſidency, from the ſtate of diſorder into which they have been thrown by the miſconduct of Lieutenant General Macdowall, and by the other cauſes which have been made known to your honourable Court.

Gen. Letter Mil. Dep. 28 Feb. 1808.

We have the honour to be, with the greateſt reſpect,
Honourable Sirs,
Your faithful humble ſervants,
(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
J. Hy CASAMAJOR.

Fort St. George,
28th February 1809.

Enclosure one, in Military Letter of 28th February 1809.

Copy of a Letter from the Judge Advocate General, 20th February 1809.

To the Honourable Sir G. H. Barlow, Bart. K. B. Governor in Council,
Fort St. George, &c. &c. &c.

Honourable Sir,

AS you were pleaſed to deſire that I would ſubmit to you ſuch additional obſervations as may have occurred to me, on the legal queſtion regarding the releaſe of the Quarter-maſter General from arreſt, and the ſubſequent proceedings thereon, I have now the honour to lay before you the following remarks, which the approaching diſpatch does not afford time to render more perfect.

The opinion which I gave in my letter to the Adjutant General of the 7th November, on the relevancy of the charges, is already before the honourable Board, and has been confirmed by the ſentiments of Mr. Anſtruther, the Advocate General, in his letter of the .

The charges preferred by the Army againſt the Quarter-maſter General, might have led to the ſacrifice of an officer for an act done in the ſtrict diſcharge of his duty. The object of Government was to protect that officer, becauſe he had acted under the ſanction of their authority. I ſay emphatically to the ſacrifice, for if Colonel Munro had been convicted of the charge (and in the preſent ſtate of prejudices an impartial trial was perhaps impoſſible) the injury done to his character and public eſtimation would have been irreparable. The loſs of fortune, by a ſentence of a court-martial, might have been compenſated; but the loſs of character, by the ſentence of a court of honour (ſuch as a military court certainly is) can never have been repaired nor ſet right again. Of this a late inſtance may be found in the caſe of Colonel Cawthorne, member for Lincoln, who being convicted of ungentlemanlike conduct by a court-martial, was expelled the Houſe of Commons. But the duty of Government did not ſeem confined to the intereſts of the accuſed. Their authority as a Government was at iſſue, which would have been completely ſhaken, if once it were admitted that one of their ſervants might be ſubjected to puniſhment for obeying their orders. Whenever the Government or Commander in Chief deſire the advice and opinion of an officer as to public meaſures, that officer muſt be protected in the free diſcuſſion of the queſtion propoſed to him; every principle of law, of reaſon, and of the practice of other Governments, ſanction this.

To endeavour to convert ſuch acts into a crime by aſcribing a bad intention to it, contrary to every authority of our own law, which aims above all things at the protection of public officers in the due diſcharge of this duty—"If a man be compelled to acts, you "cannot moleſt him on an averment of malice." This poſition, which was laid down by an eminent Chief Juſtice, is illuſtrated by him in the following inſtance, which ſhews the protection which our law gives to even one of the meaneſt public ſervants in the common diſcharge of his duty.

"An action was lately brought in the King's Bench (as I have heard) for delaying a poſt letter maliciouſly, whereby the plaintiff wanted intelligence that might have been of great advantage to him. The Court diſcountenanced the action, ſo that it proceeded no farther. It was then ſaid (as I heard) to this effect, that if ſuch precedents were admitted, there could hardly be any dealing or correſpondence but might be matter for actionsat law; and although the caſe depended upon proof of particular malice, and the defendant will be acquitted if his caſe be not odious; yet we muſt conſider that there is both charge and vexation of mind that attends the defence of a juſt cauſe, and we muſt not ſubject men for all their actions to ſuch trouble and hazard."—(Speech of Lord Chief Juſtice North, in the caſe of Soane and Barnardiſton, State Trials, vol. vii. p. 448.)

It were ſuperfluous, after the above inſtance of the protection given by our law to ſuch a humble officer againſt the vexation of a public trial, to allude to the ſtronger caſes of higher officers, whoſe ſecurity in their duties is already increaſed in proportion to the energy and deciſion required in the diſcharge of them. Wherever the law enjoins the duty, it protects the agent in the legal diſcharge of it. It is clear and eſtabliſhed law, that whatever is of itſelf lawful cannot have an unlawful intent annexed to it. A wrong motive cannot be aſcribed to a right act. It is ſufficient that the thing is right of itſelf, to ſave the party from any vexation for having done it.

"Malice,"

[No. 1.]

"Malice," as obſerved in the judgment above quoted, "is not a thing demonſtrable, but interpretive, and lies in opinion, ſo that it gives a handle to any man to puniſh another by."

"And if the mere charging a thing to have been done falſely and maliciouſly could ſupport an action or ſuit of law without a fit ſubject matter, all the actions of man would be liable to ſuit and vexation."

It was needleſs certainly to go into any farther diſcuſſion of the right which Colonel Munro's conduct had to immunity and protection.

But it will be urged, perhaps, that he ought not to have made an appeal to the civil power againſt a military charge.

In reply to this, it is to be obſerved, that ſuch appeal was not made by the Quarter-maſter General, until the common and every other mode of redreſs had failed him.

The Governor and Council are not only the Civil (as ſome have erroneouſly ſuppoſed) but the Military Government of the country.—"The whole Civil and Military Government of the Preſidency of Fort St. George, &c. is veſted in a Governor and three Counſellors," by Act of Parliament (33 of the King, 53. 1. 24.)

Under this general power, they have certainly the right of protecting their ſervants in the legal diſcharge of their duties, from puniſhments by any inferior authority.

The mere circumſtance of the charges having been ſigned by the Commander in Chief did not legalize the act. The powers of a Commander in Chief as to military courts, are to be judged of on the ſame principles as the powers of the magiſtrates of the civil or common law-ſuits, ſo long as they act within the limits of their authority they will be reſpected and ſupported by the general Government of the country; on the other hand, when they exceed the limits of their juriſdiction, and entertain revenue, or ſuch other caſes as are poſitively or virtually excluded, their legal competency fails them, and the General Government muſt interpoſe and reſtrain the uſurpation. Caſes of this nature are happily of too rare occurrence, to admit of particular illuſtration by reference to recent inſtances. But caſes do not create law, they only illuſtrate its application; that the Judge who exceeds the limits of his juriſdiction may be reſiſted with impunity, is a maxim derived from the very reaſon of the thing itſelf, and adopted in every civilized country; but in no one more diſtinctly recognized than in our own, where all powers, ſuch as the military, given in derogation of the common law, ſhall be narrowly conſtrued, and where an inferior court ſhall not be ſuppoſed to have juriſdiction, unleſs it ſomehow appear.

It is here as in common life, each party may exert his own right in ſo far as he does not treſpaſs on that of others. Government accordingly has not, in my humble judgment, any right (nor did I ever hear that they had looked to any ſuch) to exert an authority over the common proceeding by courts-martial for military offences, that is veſted in the Commanders in Chief: and the certainty that an officer was wrongfully accuſed of a military crime, however ſtrong the caſe, would not, ſo far as I can perceive, give the Government a right to protect him; it is only where an attempt is made to turn into a charge before a court-martial a queſtion not cognizable by it, and which is otherwiſe entitled to a protection of Government. Here, on the one hand, the rights of the Commander in Chief fail for want of a proper ſubject; and on the other, the rights of Government are invaded by an injury done to an officer, and to a matter entitled to their protection.

All courts of juſtice are intended for the ſupport "of the Government" of the country they live under. And owing to the diſcretion and wiſdom of our preſent and late Chief Juſtices in India, our's have greatly contributed to that effect; and wherever courts of juſtice produce an oppoſite effect, it muſt be owing to ſome defect in their conſtitution or in the adminiſtration of the law.

The Commander in Chief is himſelf ſubject to the orders of Government, as is every officer under his command. But if he were at liberty to draw the propriety of theſe orders into queſtion before his own tribunal, and to puniſh a ſervant for obeying them, he would in fact become the Government of the country, and the whole would be connected into a military deſpotiſm. For where the Commander in Chief could puniſh the agent, he would of courſe ſtop the act, as men would naturally avoid either doing or ſaying that which they ſaw a penalty annexed to.

If Colonel Munro was liable to trial in this caſe, ſo muſt every officer be in a ſimilar.

The Commander in Chief was accordingly firſt requeſted to releaſe the Quarter-maſter General. Requeſts from Government are ſo generally complied with, that they have come to be regarded as orders. But the Commander in Chief gave it to be underſtood, that he would only comply with a poſitive order, which Government were accordingly compelled to give. And if the above reaſoning is ſound, it muſt appear that they have not encroached on his rights, they have only maintained their own. Where contentions ariſe as to the limits of authority, one party muſt give way, and he is only the aggreſſor who has given occaſion to the diſpute.

During the period of Lord Macartney's Government, an officer of the King's ſervice (Lieutenant Colonel Sterling) was releaſed by this Government from the arreſt which he had been ordered under by the Commander in Chief, Sir John Burgoyne; one of the charges preferred againſt that officer by this Government, was for ordering Colonel Sterling under arreſt, after he had been ſo releaſed. The ſentence paſſed by the Court on this charge is too generally ſtated, to its being clearly underſtood on what ground the acquittal was granted.

Government have been in the general practice of ordering officers under arreſt, as holding the ſupreme military government, and their right to releaſe would ſeem to be equally grounded; ſuch I have always underſtood to be a received principle in the Army, and the preſent Company's Advocate General has entirely ſubſcribed to it, and if I am rightly informed,

[No. 1.] formed, two officers were very recently releaſed, by the Bengal Government, from an arreſt which they had been placed under by the preſent Commander in Chief of that Army. The caſe has but juſt occurred, and cannot as yet be officially known, but there is no reaſon to doubt the fact.

That officers may be releaſed by a power ſuperior to that of the perſon who ordered the arreſt, is clearly eſtabliſhed by the following article of war, for the Company's troops.

"And if any officer under arreſt, ſhall leave his confinement before he is ſet at liberty by the officer who confined him or by a ſuperior power, he ſhall be caſhiered for it. (Art. XIX. Sect. XII.)

And accordingly officers, in reſpect to one another, exert the right of releaſing thoſe who appear to have been arbitrarily ordered under arreſt.

The General Order of the 22d of January, which the Commander in Chief iſſued, but which was not known to Government until after his departure, was unhappily calculated (with whatever intentions it may have been iſſued) to ſet the Army at variance with the ſupreme authority. It ſets at defiance the Orders of Government, by expreſsly declaring, that he would have brought Lieutenant Colonel Munro to trial for having brought his caſe before them. By aſcribing to that officer a "conduct deſtructive of ſubordination, ſubverſive of military diſcipline, and in violation of the ſacred rights of the Commander in Chief, &c." it in effect imputes the operation of all theſe miſchiefs to the Governor and Council, by their act of ſanctioning and receiving Colonel Munro's reference. This direct counteraction on the part of the Commander in Chief was flying in the face of Government, ſetting their authority at defiance in every orderly book in the Army, and rouſing its feelings by every impulſe to indignation and reſentment at what they had done.

After the Quarter-maſter General had made his reference to Government, and they had admitted and approved of it, the Commander in Chief ceaſed to have any farther cognizance of the queſtion. The caſe had paſſed away from his juriſdiction to a higher authority; he could not therefore longer act in reference to it. Suppoſing, for inſtance, that a party, having a cauſe in an inferior court, ſhould appeal to a ſuperior tribunal, after the higher judge had admitted the appeal, would it be competent for the inferior to threaten him with a trial, and to reprimand and inſult him for the very act of having made it? In civil life this would be regarded as an outrage againſt all law and good order, and a reflection on the ſuperior tribunal that would not be tolerated for a moment.

After the extreme irritation which the Order has now occaſioned in the Army, it may be thought ſuperfluous to have ſpoken ſo fully to the import of it, which is ſufficiently proved by its effects. But it ſeemed proper to eſtimate the nature of the Order, both from the words themſelves and from a reflection on the feelings and preſent temper of thoſe it was addreſſed to. For it would be no alleviation to ſay, that the agitation it has occaſioned has been greatly owing to the preſent temper of the Army, as that very circumſtance ought to have induced a more than ordinary precaution in iſſuing it.

It now remains to obſerve on the conduct of the Adjutant General's office in this caſe. The ſituation of the Adjutant General has always been thought the moſt important of any in our Army, and great care has accordingly been taken to fill it with officers of the firſt talents and prudence. Indeed, from the circumſtance of the Commander in Chief being ſo often an officer from His Majeſty's ſervice, and a ſtranger to the manners and local uſages of the country, nothing but the circumſtance of his being aſſiſted with ſound and prudent counſel in the perſon of his immediate adviſer (the Adjutant General) could ſo long have inſured that good order and diſcipline which have prevailed. Colonel Capper, and his Deputy Major Boles, ought to have been fully aware, on the preſent occaſion, that the above Order was fraught with the moſt miſchievous conſequences; and it was therefore their clear duty to have demurred to the iſſue of it, for I do not conceive that the illegality of an order conſiſts in its being ſpecifically forbidden by expreſs law. Whatever is ſubverſive of military diſcipline and civil obedience is always illegal, whether ſuch particular thing may or may not have been forbidden by any expreſs law. The Order in queſtion went to ſubvert the very fountain of diſcipline and good order, for if ſoldiers are to be taught counteraction and contempt of the civil power, the firſt principle of all Government is cut up by the roots. By the warrant of the Commander in Chief, the officers, &c. of the Army are required to pay him *due* obedience, a limitation which muſt always be implied in every country governed by civil laws. He himſelf is rendered "ſubject to all rules, orders and inſtructions as he ſhall receive from the Governor and Council of Fort St. George."

It were needleſs to obſerve, that under an Engliſh Government an officer is only juſtifiable in obeying a legal order, a diſtinction implied by the articles of war and recognized in daily practice. Theſe officers accordingly ought to have demurred to the Order, and begged in reſpectful terms to have been excuſed from ſigning or iſſuing it. The General, we may ſuppoſe, would not have been diſpoſed to puſh things to extremity; for though men in power are ſometimes glad to find apt inſtruments to anticipate their wiſhes, they will heſitate to give poſitive orders for violent acts, where they ſee they are unwillingly obeyed; one, on theſe occaſions, never ſays to a Commander in Chief, "you have no right or title to do ſo and ſo," but only, "I am afraid this is a caſe not provided for by law; I am afraid our laws are defective here, in not enabling your Excellency to effect this object." On theſe occaſions it is ſufficient to be underſtood, any hint of this ſort is always enough; for it muſt be rare indeed that a commander, under an Engliſh Government, will both intend to violate the law and force his officers to do ſo.

The Preſident in Council accordingly, on finding that the firſt copy of the Order which he had occaſion to ſee, was counterſigned by the Deputy Adjutant General, immediately declared

declared that officer ſuſpended from the ſervice. It is uſual on ſuch occaſions to notice, that the ſuſpenſion is made until the pleaſure of the Court of Directors is known. But as it was the intention, as I underſtood, to have reſtored Major Boles to the ſervice the moment that any proper explanation or apology was made by him, and which was naturally expected, no period was fixed for the ſuſpenſion. It had been eaſy for Major Boles to ſtate, had ſuch been the caſe, that he heſitated as to the iſſuing of the Order, but was compelled by poſitive orders; or to have apologized, by ſaying that he had done it in the routine of duty, without adverting to the conſequences, and without any intention of being guilty of diſreſpect to Government; but not one word of explanation was offered. [No. 1.]

The plea of Colonel Capper, the Adjutant General, that he muſt either have complied or been expoſed to the penalties of military law, appears altogether groundleſs. I know of no penalties for the rejection of an illegal order. To an officer, who uſed a ſimilar plea before an Engliſh court of juſtice, in ſaying, "I am to obey all my ſuperior officers, that is my commiſſion, or if I do not, I die by the law of war." He was told by the court, "you are to obey them in their juſt commands, all unjuſt commands are invalid."—(Vide Trials, vol. i. p. 901.)

And the principle is diſtinctly recognized by every legal authority, as to commands that are on the face of them illegal or of a miſchievous tendency.

The conſtitutional maxim, that "the King can do no wrong," is balanced by another maxim not leſs conſtitutional, that the illegal commands of the King do not juſtify thoſe who aſſiſt or concur in carrying them into execution. "All who either concur in an illegal order, by authenticating its publication with their ſeal or ſubſcription, or who in any manner aſſiſt in carrying it into execution, ſubject themſelves to proſecution and puniſhment for the part they have taken, and are not permitted to plead or produce the command of the King in juſtification of their obedience."—(Paley's Principles of Political Philoſophy, vol. ii. p. 228 and 9.)

Obedience is no doubt the great duty of a ſoldier, but his firſt obedience is due to the civil laws of his country, and his ſecond to the military.

A departure from this principle is always dangerous. It was forgot in the revolution againſt a former Governor (Lord Pigot) which it chiefly occaſioned, but adhered to during the troubles of Lord Macartney's, and it accordingly prevented ſome deſtructive conſequences which otherwiſe might have enſued. The late diſcontents in the Bengal Army ſhew how neceſſary it is to preſerve it in this country. It will rarely happen, that any violent meaſures are ordered by a regular Government, but an ill adviſed Commander in Chief, being a ſingle perſon, and generally of a temper more fervent and profeſſional, might, at the head of a diſcontented and clamorous ſoldiery, be the occaſion of the moſt pernicious conſequences, if once it were admitted that every dictate of his caprice was law, and that the Civil Government might be inſulted with impunity and triumph.

I have only to beg for this letter the operation of the ſame principle, which is the foundation of all my arguments, the protection of the law in the duty it has enjoined me, and that I may not raſhly ſuffer either here or at home by the opinions of others, becauſe mine perhaps is different from them.

I could not have thought of delivering in a letter upon a caſe of this importance, without availing myſelf of my general permiſſion of ſubmitting it to the deliberate opinion of the Company's Advocate General, who has authorized me to ſay, that he entirely aſſents to the concluſions I have drawn.

I have the honour to be, &c. &c.

Fort St. George, 20th February 18c

(Signed) J. LEITH. Judge Adv. Gen.

Enclosure two, in Military Letter of 28th February 1809.

General Order by Government, Fort St. George, 6th February 1809.

THE honourable the Governor in Council having lately adopted the meaſure of ordering the releaſe of the Quarter-maſter General of the Army from arreſt, and it being deſirable that the circumſtances connected with that meaſure ſhould be diſtinctly and publicly underſtood, there being reaſon to believe that a great degree of miſapprehenſion has hitherto exiſted, the Governor in Council thinks it proper to ſtate, that the Quarter-maſter General was placed under arreſt by the late Commander in Chief, on charges founded on a report which was ſubmitted by the Quarter-maſter General in conformity to expreſs orders, which report having been approved and adopted by the Commander in Chief, Lieutenant General Sir John Cradock, was by him communicated to the late right honourable the Governor in Council of Fort St. George, and finally laid before the Supreme Government, under whoſe approbation and orders it became the foundation of meaſures already known to the Army.

In theſe circumſtances the Quarter-maſter General could be conſidered no longer reſponſible for proceedings ſo ſanctioned, and it would have been inconſiſtent with the evident principles of juſtice, that a public officer ſhould have been liable to the obloquy of a trial for an act not his, but that of his ſuperiors; the queſtion which in ſuch caſe would have been ſubmitted to the cognizance of a military tribunal, would not have involved only a diſcuſſion of the conduct of the Quarter-maſter General, but would have extended to the meaſures of the principal civil and military authorities in this country, meaſures which had undergone the matureſt conſideration, and which had been carried into effect under the moſt formal ſanction; it muſt be apparent that a diſcuſſion, involving conſequences of this nature, would

have

[No. 1.] have been contrary to law, contrary to reaſon, ruinous of public confidence, and ſubverſive of the foundations of military diſcipline and of public authority.

Impreſſed with theſe ſentiments, it became the ſolemn, the bounden duty of the Governor in Council, on the facts being made known by a communication from the Quarter-maſter General (which, from the nature of the queſtion, it became the right and duty of that officer to ſubmit by direct reference, on the communication having been refuſed by the late Commander in Chief) to interpoſe the authority of the Government for the prevention of the moſt fatal evils; it was the wiſh, it was the earneſt endeavour of the Governor in Council, to effect this object by every means of conciliation and explanation; but ſuch means having been uſed in vain, and having been even repelled under circumſtances highly offenſive, no alternative remained, but that of conveying a ſpecific order for the removal of the arreſt.

The Governor in Council deſires that the officers of this Army will be aſſured, that this Government would not be leſs ſolicitous to vindicate their honour and reputation by rejecting all injurious imputations, if ſuch could have been ſuppoſed, than the officers of the Army could have been ſolicitous in their own vindication. The Governor in Council has accordingly, under this impreſſion, been led to an attentive conſideration of the expreſſions which are underſtood to have been deemed objectionable, and he has no heſitation in declaring, that it appears in his judgment impoſſible, under any correct conſtruction, to attach an offenſive meaning to words where injury was not meant, and where the intention of offence aſſuredly did not exiſt.

Having ſtated this explanation, the honourable the Governor in Council deems it his farther duty to obſerve, that the queſtion which has been under deliberation muſt be now conſidered as concluded; the farther agitation of a ſubject of this nature could be availing for no purpoſe but that of diſturbing the eſtabliſhed courſe of public affairs, and for the excitement of feelings injurious to order and authority; and it will be accordingly of importance to the public welfare, that the circumſtances connected with it ſhould be conſigned to oblivion.

By order of the honourable the Governor in Council.

(Signed) G. BUCHAN,
Chief Sec. to Gov.

To the honourable the Court of Directors, for the management of the affairs of the honourable the United Eaſt India Company.

Enclosure three, in Military Letter, 28th February 1809: Memorial of Major Thomas Boles, late Deputy Adjutant General of the Army, and late Major in the Company's Army, on the Madras Eſtabliſhment.

Humbly Sheweth,

THAT your Memorialiſt has ſerved nearly 26 years in the Britiſh Army in India, almoſt 23 years of which have been paſſed in the immediate ſervice of the honourable Engliſh Eaſt India Company; that, during the above-mentioned period, the conduct of your Memorialiſt has received the approbation of his ſuperiors, in conſequence of which, he has for ſix years been employed in the department of the Adjutant General, in the capacities of Aſſiſtant and of Deputy Adjutant General.

Your Memorialiſt, in diſcharging the duties that have been from time to time allotted to him, has uniformly endeavoured, by perſonal aſſiduity, and by ſtrict attention to the rules and regulations of the ſervice, to merit the continuance of the favours he has enjoyed, and to recommend himſelf to the further notice of his immediate ſuperiors and of your honourable Court; your Memorialiſt had every reaſon to hope, that his efforts were not altogether unſucceſsful, and to indulge the flattering proſpect of future advancement, and of ultimately receiving from the honours and advantages of higher rank, the well-earned reward of long and faithful ſervice; but to his great ſorrow and misfortune, your Memorialiſt has been ſubjected to a puniſhment the moſt ſevere which the Government of Madras could inflict, and this puniſhment is ſtated to have been merited by an act on the part of your Memorialiſt, regarding the execution of which he does not conceive that he had any choice or alternative, and he truſts that the abſolute and indiſpenſible neceſſity of his immediate and unconditional performance of the act in queſtion, will be fully manifeſt on the view of the circumſtances connected therewith, as follows:

The duties of Deputy Adjutant General are not confined to any particular branch of the buſineſs in the office, but generally to do and perform all ſuch duties as the principal of the office may direct, and in the abſence of the principal to conduct all the duties either according to inſtructions that may be left, or according to the directions of the Commander in Chief from time to time; and previous to the recent occurrences, there is no inſtance in the practice or the uſage of the ſervice, in which the authority of the Commander in Chief has been conſidered ſubject to a ſuperior controul, in points that relate to the diſcipline, the courts of juſtice, or the practice and exerciſe of the Army; a doubt reſpecting the integrity of this principle, would have been conſidered by every officer in the Army as derogatory to the dignity of the chief command, and to the vital principle of military ſubordination.

On the 31ſt of January laſt, your Memorialiſt, then Deputy Adjutant General of the Army, received at the Adjutant General's office a General Order by Government, under date the 31ſt January, in which Order the appointment of Lieutenant General Macdowall to the command of the Army of this Preſidency was annulled, becauſe he had left to be publiſhed to the Army a reprimand to Captain John Munro (Quarter-maſter General and nominal Lieutenant Colonel, one of the immediate ſtaff of the Commander in Chief) and in which

Government

Government Order alſo the Deputy Adjutant General of the Army is ſuſpended from the ſervice of the honourable Company, becauſe the above-mentioned reprimand was circulated under the ſignature of that officer. [No. 1.]

Your Memorialiſt humbly ſubmits to your honourable Court, that any ſuppoſed criminality on his part muſt neceſſarily imply not only a freedom of will in regard to the performance or otherwiſe of the act, but alſo a manifeſt intention on his part to violate the duty which he owes to the Government, for unleſs it were at the option of your Memorialiſt to perform or decline the act, he humbly ſubmits that no reſponſibility can attach to him regarding it; and ſuppoſing the option free, your Memorialiſt preſumes that the act could be conſidered criminal only in proportion as the illegality of the Order of the Commander in Chief was manifeſt and ſelf-evident.

According to the apprehenſion of your Memorialiſt, the foregoing is a ſimple and candid ſtatement of his caſe, and upon that principle he will endeavour to exhibit his perfect innocence as well in regard to the intention as to the act itſelf.

On Sunday, the 29th January, your Memorialiſt, in company with his principal, Colonel Capper, and a large concourſe of officers and others, attended Lieutenant General Macdowall to the beach, he being about to embark for Europe; Colonel Capper accompanied General Macdowall on board ſhip, and as he left the ſhore, he repeated an Order which he had before given to your Memorialiſt, directing, that the General Order of the Commander in Chief ſhould be circulated to the Army that evening. This General Order, under date the 28th January, had been received at the Adjutant General's office in Lieutenant General Macdowall's hand-writing, and it was accompanied by a direction, that as the General's departure was near at hand, every expedition ſhould be uſed in circulating it.

Your Memorialiſt appeals to the principles of military law, under which he has been educated, and the uſage of all armies, that under the circumſtance above ſtated, any heſitation on his part muſt neceſſarily be conſidered as preſumption eminently criminal, and would have rendered him in the opinion of any ordinary court-martial an object deſerving the ſevereſt puniſhment of the higheſt military crime: ſuch being the only alternative which your Memorialiſt can conceive to exiſt, he truſts that it will fully appear to your honourable Court, that the act for which he has been ſo ſeverely puniſhed was an act purely of neceſſity, and in no reſpect an act of free will. For reaſons which muſt be obvious, your Memorialiſt will not expatiate on the conſequence which may be expected to reſult from the introduction of a principle which acknowledges reſponſibility in ſubordinate officers, and which proclaims to men with arms in their hands, that tacit ſubmiſſion may ſubject them to puniſhment, and that they are at liberty to queſtion and diſcuſs the legality or the expediency of a peremptory Order from a military ſuperior; but your Memorialiſt moſt ſolemnly declares, that he did at the time he ſigned the Order, conſider it to be his indiſpenſable duty ſo to do, and that no reſponſibility whatever was attaching to him on account of that or any other Order; he conſidered them all alike.

Memorialiſt having ſtated that his act in ſigning the order could be conſidered criminal only in proportion as the illegality of it was manifeſt and ſelf-evident, preſumes to offer his opinion, that even if his option had been free, no blame could attach to him for ſigning the Order.

Previous to the act, your Memorialiſt had never heard the opinion of any perſon reſpecting the order; it was not uſual to diſcuſs the merits of General Orders, particularly of thoſe in the hand-writing of the Commander in Chief; but ſince his ſuſpenſion, your Memorialiſt has deliberately conſidered the expreſſion and the ſubſtance of the offenſive General Order, he has conſulted with many officers of rank and experience in His Majeſty's and the honourable Company's ſervice, and he has not met with any who conſider the Order to be directed againſt the Government; it ſtates that Lieutenant General Macdowall was prevented by his immediate departure from bringing Lieutenant Colonel Munro, Quarter-maſter General, to trial, for diſreſpect to his Commander in Chief, for diſobedience of orders, and for contempt of military authority, and that the conduct of Lieutenant Colonel Munro was deſtructive of ſubordination, ſubverſive of military diſcipline, a violation of the ſacred rights of the Commander in Chief, and holding out a moſt dangerous example to the ſervice; but it does not contain any comment or remarks on the Government, or on the orders iſſued by the Government, and at this moment many reſpectable officers at the Preſidency aſſure me, that they did not conſider the Order of the Commander in Chief to be by any means illegal, or did they imagine it would be ſo conceived, until it was declared to be ſo by the Government order of the 31ſt January. If therefore the queſtion ſtill admits of a doubt, your Memorialiſt confidently truſts, that the illegality of General Macdowall's Order will not be conſidered ſo manifeſt or ſelf-evident, as to have authorized your Memorialiſt to queſtion the propriety of ſigning it, even had his choice been free.

Your Memorialiſt begs leave further to repreſent to your honourable Court, that Lieutenant Colonel Capper, the Adjutant General of the Army, and the immediate ſuperior of your Memorialiſt, did, on the 31ſt January, wait on the honourable the Governor, but not gaining an audience, he informed Mr. Secretary Buchan (who is alſo private Secretary to Sir George Barlow) that the circumſtance of your Memorialiſt having affixed his ſignature to the offenſive General Order, aroſe from his (Colonel Capper's) abſence from the office, he having accompanied Lieutenant General Macdowall on board ſhip; that otherwiſe all the orders ſhould have received his (Colonel Capper's) ſignature, and that he conceived that all reſponſibility for the duties of the office reſted with him as being the principal, and not with your Memorialiſt, whoſe duty was to yield tacit obedience.

[No. 1.] The result of this communication was the ſuſpenſion of Colonel Capper from the honourable Company's ſervice, by a Government order, which ſtated that the Adjutant General was materially implicated in the meaſure of giving currency to the offenſive General Order; but the Memorialiſt has to lament that it did not produce any favourable change in his caſe, and he is now ſuffering the ſevereſt puniſhment and indignity that can be inflicted by the Government, without ever having been called upon by the Government for any explanation, or having had any opportunity to extenuate his ſuppoſed guilt, by a declaration of the integrity and uprightneſs of his intentions, in performing an act, the reſponſibility of which his immediate ſuperior has fully and unequivocally taken upon himſelf.

Your Memorialiſt, placing the fulleſt reliance on the liberality and juſtice of your honourable Court, and feeling moſt ſeverely the hardſhip and long ſuffering to which his ſuſpenſion has expoſed him, and being therefore deſirous to bring his caſe under the conſideration of your honourable Court at the earlieſt poſſible period, he, on the 15th inſtant, addreſſed a letter (No. 1. in the Appendix) requeſting permiſſion to return to Europe, on the Sir Stephen Luſhington, which ſhip, he has been informed, is taken up to carry the diſpatches to Government; not receiving any reply, your Memorialiſt, on the 18th inſtant, addreſſed a ſecond letter (No. 2.) and, in the evening of that day, he received a letter (No. 3.) from Mr. Secretary Buchan, communicating the honourable Governor's regret at not having it in his power to permit your Memorialiſt to proceed to Europe by the preſent opportunity.

Your Memorialiſt having underſtood that it is the deſire of your honourable Court, in your juſtice, that the caſes of ſuſpended officers ſhould be brought to your notice at the earlieſt poſſible period, and being at the ſame time ſenſible that juſtice to his own character and his future proſpects in your ſervice, imperiouſly required that he ſhould by every means endeavour to lay his caſe before your honourable Court, had already obtained a paſſage to Europe on the Sir Stephen Luſhington, and being unable to ſupport himſelf in India on the reduced allowance given to officers under ſuſpenſion, he was induced again to addreſs Government on the 19th inſtant (No. 4.) ſoliciting the indulgence of being permitted to proceed immediately, ſtating, that a ſimilar indulgence had already been granted to Lieutenant Colonel Capper, your Memorialiſt's immediate ſuperior in office, and now in a predicament preciſely ſimilar with him; but as there is every probability that the Sir Stephen Luſhington will reach England before Lieutenant Colonel Capper does, your Memorialiſt entertains ſerious apprehenſion that the intereſt of his cauſe may ſuffer materially, if he is ſtill prevented from availing himſelf of the paſſage which he has obtained on the Luſhington, as various cauſes may produce delay in bringing to the notice of your honourable Court all the circumſtances of the caſe, from which however he confidently hopes for full exculpation: he has therefore preſumed, with the utmoſt deference and reſpect, to addreſs this Memorial, praying that your honourable Court will view with a favourable eye, the deplorable ſituation of an officer who has ſerved you long and faithfully, and who now for the firſt time, during 26 years of military ſervice, has incurred the diſpleaſure of his immediate ſuperiors, for an act avowedly not his own; and that upon a full conſideration of the ſubject, your honourable Court may be pleaſed to reinſtate him in your ſervice, and in the ſituations from which he has been thus removed, and to take ſuch farther ſteps as may be deemed by your honourable Court expedient, in order to remove the imputations that had been thrown out againſt his character.

And your Memorialiſt, as in duty bound, ſhall ever pray.

(Signed) THOs BOLES,
late Deputy Adjutant General, and
late Major 3d Native Regt.

Madras,
23d February 1809.

Appendix, No. 1.

To the honourable Sir Geo. Hilaro Barlow, Bart. Governor in Council, Fort St. George.

Sir,

In conſequence of my having been ſuſpended from the honourable Company's ſervice, for the reaſon ſet forth in the Government General Order of the 21ſt ultimo, I have the honour to requeſt permiſſion to proceed to Europe.

That I may not be deprived of the advantage of ſtating in perſon to the honourable the Court of Directors, at the earlieſt poſſible period, the peculiar hardſhip of my caſe, I ſhall endeavour to obtain a paſſage on board the honourable Company's ſhip Sir Stephen Luſhington, which is, I underſtand, under the orders of Government, preparing to return to England immediately; and I have therefore reſpectfully to requeſt that my brother, Lieutenant Boles, of the 9th native regiment, may be permitted to take charge of the agency for army clothing, for the purpoſe of completing the year's clothing now on hand, and cloſing my accounts, and for the adjuſtment of which he will jointly with me become reſponſible.

I have, &c.

(Signed) T. BOLES,
Late Depy Adjt General,
&c. &c.

Madras,
15th February 1809.

No. 2.

To the honourable Sir George Hilaro Barlow, Bart. Governor in Council, Fort St. George.

Sir,

I had the honour to forward an application to the honourable the Governor in Council, under date the 15th inſtant, for permiſſion to proceed to Europe on the honourable Company's

pany's ship Sir Stephen Lushington, but as I have not been honoured with a reply, and have been pressed to decide immediately respecting the accommodation offered me on board that ship for myself and family, I am under the necessity of repeating my request, and respectfully solicit an early decision, every hour being of consequence to me, as the ship is likely to sail in a very few days. [No. 1.]

I have, &c.

(Signed) T. BOLES,
Late Deputy Adjt. Genl.
&c. &c.

Madras,
18th February 1809.

No. 3.

To Major Thomas Boles.

Sir,

I am directed to acknowledge the receipt of your letter of the 15th instant, and to acquaint you, that the honourable the Governor in Council regrets that it is not in his power to comply with your application for permission to proceed to England by the present opportunity.

I am, Sir, &c.

(Signed) G. BUCHAN,
Chief Sec. to Gov.

Fort St. George,
18th February 1809.

No. 4.

To the Honourable Sir Geo. Hilaro Barlow, Bart. Governor in Council, Fort St. George.

Sir,

I have the honour to acknowledge the receipt of Mr. Secretary Buchan's letter of the 18th instant, stating, that the honourable Governor in Council regrets that it is not in his power to comply with my application for permission to proceed to England by the present opportunity.

By the orders of the honourable the Court of Directors, it appears, that the net pay only is allowed to officers under suspension, and the honourable the Governor in Council will be aware, that the subsistence of my rank is very insufficient to support me in this country, for the length of time that may elapse before the decision of the honourable Court on my case can be obtained, which will, by my remaining in India, be very distressing, and my other resources are in Europe, and I therefore beg leave to repeat my request to be allowed to proceed by the present opportunity, viz. *the honourable Company's ship Lushington*, on which vessel I had obtained a passage.

Lieutenant Colonel Capper, my *superior* in office, who is placed in the same predicament with myself, has been allowed to return to England, and, I trust, the honourable the Governor in Council will see the justice of affording me the same opportunity of appealing in person to the honourable Court, that has been granted to Colonel Capper, and which indulgence is, I believe, conformable to the wish of the honourable Court of Directors in such case, to enable the Court to come to the earliest possible decision upon them.

As I am led to believe the ship will be dispatched in the course of this week, may I request the favour of an early reply.

I have the honour to be, Sir,
Your most obedient servant,

(Signed) T. BOLES,
Late Dep. Adj. Gen.
and late Major 3d N. Reg.

Madras,
19th February 1809.

[No. 1.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

Ordered, by The House of Commons, *to be printed,*
25th May 1810.

[No. 2. A.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copies of Letters from the GOVERNOR in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors;—dated the 13th May, and 6th September 1809:—Together with ſundry Encloſures in the ſaid Letters.

Ordered, by The Houſe of Commons, *to be printed, 25th May* 1810.

Fort St. George.—Secret Department.

No. 1.—GENERAL LETTER, 13th May 1809.

Received per H. M. Brig Virginia, 23d September 1809.

To the Honourable the Secret Committee of the Honourable the Court of Directors.

Honourable Sirs,

Gen. Letter, Secret Dep. 13th May 1809.

Para. 1. IN our Diſpatches by the Honourable Company's ſhips, Jane Ducheſs of Gordon, and Sir Stephen Luſhington, we communicated to the honourable the Court of Directors the meaſures which we had been compelled to adopt in conſequence of the violent and intemperate acts of the late Commander in Chief, and we have the ſatisfaction of annexing to this Diſpatch the copy of a Letter from the Supreme Government, dated 20th February laſt, expreſſing their entire approbation of thoſe meaſures. We now tranſmit to your honourable Committee, by His Majeſty's brig Virginia, a copy of a Minute, together with the ſeveral Papers to which it refers, recorded by our Preſident at our Conſultation of the 1ſt inſtant, relative to the ſeditious proceedings of certain officers of the Army of this Eſtabliſhment after the departure of the Commander in Chief.

2. For the particulars of theſe proceedings, and for our ſentiments regarding them, we beg leave to refer your honourable Committee to the Minute of Sir George Barlow, and the documents which accompany it.

3. In conformity to the propoſitions of our Preſident we came to the following reſolutions:

That the under-mentioned Officers be ſuſpended from the ſervice of the honourable Company, till the pleaſure of the honourable Court ſhall be known:

Lieut. Col. the honourable A. St. Leger,
Major John de Morgan,
Captain Joſiah Marſhall,
Captain James Grant.

That as the departure of Lieutenant Colonel George Martin for England prevented his ſuſpenſion from the ſervice of the honourable Company, by the authority of this Government, it be recommended to the honourable the Court of Directors that he be diſmiſſed from their ſervice.

That Lieutenant Colonel Robert Bell be removed from all military charge and command, until the pleaſure of the honourable Court ſhall be known; but that he be permitted to draw his regimental pay and allowances.

[No. 2. A.]
No. 1. Gen. Letter, Secret Dep. 13th May 1809.

That the under-mentioned Officers be removed from their ſtaff appointments, and ordered to join the corps to which they ſtand attached:

Lieutenant Colonel Cuppage, Adjutant General of the Army.
Captain Coombs, Aſſiſtant Quarter-maſter General in Myſore.

That Lieutenant Colonel Commandant Chalmers be removed from the command of the Subſidiary Force in Travancore.

That the officer commanding the Army in Chief be requeſted to ſuperſede in the command of their battalions the under-mentioned officers, who have not exerted themſelves in maintaining order and diſcipline in their reſpective corps, with ſuch others as the officer commanding the Army in Chief's information may induce him to conſider as improper perſons to be intruſted at the preſent moment with the charge of corps;

Captain Smith, 2d battalion, 14th regiment.
Major Keaſbury, 2d battalion, 9th regiment.
Major Muirhead, 2d battalion, 18th regiment.
Major Hazlewood, 1ſt battalion, 24th regiment.

That the Officer commanding the Army in Chief, be alſo requeſted to remove Lieutenant Colonel Rumley to the 7th regiment of native cavalry, at Arcot.

We truſt that the meaſures which we have adopted for the vindication of the honour and authority of the Government, and for the maintenance of diſcipline and ſubordination in the military branch of this Eſtabliſhment, will meet with the approbation of your honourable Committee.

We have the honour to be, &c. &c.
(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
JA. Hr CASAMAIJOR.

P. S.—We think it proper to tranſmit with this Diſpatch, a copy of a Letter from Lieutenant Colonel the honourable A. St. Leger, dated 26th ultimo, from Oodagerry in Travancore. This Letter was received on the 2d inſtant, the day after the ſuſpenſion of Lieutenant Colonel St. Leger from the ſervice of the honourable Company, and affords a ſtrong additional proof of the dangerous ſpirit of inſubordination which has marked the conduct of that Officer.

(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
JA. Hr CASAMAIJOR.

ENCLOSURES.

No. 2.—Copy of a Letter from the SUPREME GOVERNMENT; 20th February 1809

(Secret Department.)

To the Honourable Sir George Hilaro Barlow, Bart. K. B. Governor in Council at Fort St. George.

Honourable Sir,

Para. 1. WE have the honour to acknowledge the receipt of your two Diſpatches under date the 3d inſtant, encloſing copies of your general Letters to the honourable the Court of Directors, on the ſubject of Lieutenant General Hay Macdowall's late conduct, and of other documents explanatory of the tranſactions which terminated in the meaſure of publicly removing that officer from the ſtation of Commander in Chief of the Forces, on the eſtabliſhment of Fort St. George.

2. We have peruſed theſe important documents with the utmoſt attention, and on the matureſt reflection which the time has admitted of, we have no heſitation in expreſſing our entire approbation of the whole of your proceedings, and our conviction of the indiſpenſable neceſſity of the meaſures which you adopted to vindicate the honour and authority of your Government.

3. We conſider the conduct of Lieutenant General Macdowall, in placing the Quarter Maſter General of the Army in arreſt, for an act done in the ſtrict fulfilment of his public duty, to have been in the higheſt degree reprehenſible; and the impropriety of his conduct to have been aggravated by his adoption of that extraordinary meaſure, after the Judge Advocate General's official declaration of the illegality of the charges, and by his refuſal to take off the arreſt after the officers who had ſo irregularly and diſcreditably preferred the charges againſt Lieutenant Colonel Munro, had, in conſequence of the Judge Advocate General's declared

declared ſentiments regarding their illegality, requeſted the Commander in Chief to ſuſpend the proſecution of them; and we conſider your interpoſition for the releaſe of that officer from an arreſt ſo arbitrarily and illegally impoſed, for purpoſes incompatible with the exiſtence of legal Government in India, to have been a juſt and neceſſary exertion of your authority. [No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

4. We entirely concur in opinion with you, that the General Order, publiſhed by Lieutenant General Macdowall ſubſequently to the removal of the arreſt, was of a nature to ſtrike at the foundation of the authority of the Government. It appears to us to have been calculated and intended to ſeparate and place in competition the Civil and Military Power; to have been ſubverſive of the principles of ſubordination, and to have had in view the degradation of the Government in the eſtimation of the Army and the Public. We conſider the late Commander in Chief's public ſupport of a Memorial, framed in a ſpirit of irregular combination among the officers of the Army, and equally objectionable in form and in ſubſtance, to have been a violation of the duties attached to his Command, which required that he ſhould employ the influence of his high ſtation to repreſs rather than promote a proceeding ſo unwarrantable, and ſo inconſiſtent with every eſtabliſhed principle and obligation of the Military profeſſion.

5. Finally, we conſider the whole tenor of Lieutenant General Macdowall's conduct to have been in the higheſt degree diſreſpectful and injurious to the dignity and authority of the Government; and contrary to every point of his duty as Commander in Chief of the Forces on the Eſtabliſhment of Fort St. George, and under the exigency of this extraordinary and unprecedented occaſion we cannot heſitate in approving and confirming the deciſive meaſure of his removal from the ſtation of Commander in Chief.

6. We have alſo the honour to expreſs our entire approbation of your reſolution not to tranſmit in an authenticated form to the honourable Court of Directors the Memorial preſented by a part of the officers of the Army of your Eſtabliſhment. We deem it highly dangerous to the public intereſts to ſanction, by tranſmitting to the authorities in England, Memorials of this deſcription, originating in irregular combinations among the officers of the Army, formed for the purpoſe of remonſtating againſt the legal acts of the Government, without any previous application on the ſame ſubjects to their immediate ſuperiors in India. Independently of which conſideration, the diſreſpectful tenor of the Memorial, which arraigns, in terms of unwarrantable preſumption, the conduct and meaſures both of the Government and the honourable Court, conſtitutes an additional motive for withholding its tranſmiſſion.

7. We cannot conclude without recommending to you in the ſtrongeſt terms to perſevere in repreſſing with dignity and temper, but by meaſures of firmneſs and energy, that ſpirit of inſubordination to the authority of Government which, we are concerned to obſerve, has of late prevailed in ſome portions of the Army of Fort St. George; and we aſſure you of our fulleſt ſupport in the maintenance of your juſt authority, and in your endeavours to reſtore due order and ſubordination throughout the Military branch of the Eſtabliſhment.

8. We propoſe to take a future opportunity of entering into a more detailed diſcuſſion of theſe recent tranſactions. But we have judged it proper to convey to you, without the delay which ſuch a diſcuſſion would produce, our general ſentiments on the moſt material points connected with them.

We have the honour to be,
Honourable Sir,
Your moſt obedient humble ſervants,
(Signed) MINTO.
J. LUMSDEN.
H. COLEBROOKE.

Fort William, 20th February 1809.

No. 3.—Copy of a MINUTE of the Preſident, of the 1ſt May 1809; with eleven Enclosures; together with a Liſt.

IT is with ſentiments of the deepeſt regret that I find myſelf under the neceſſity of bringing the following caſes before the Board. The firſt relates to a paper ſigned by many Officers of this Army, purporting to be a Memorial to the Right honourable the Governor General; the ſecond to an Addreſs from ſome Officers to Major Boles. Minute, Sec. Dep.

The exiſtence of both theſe Papers has for ſome time been within my knowledge, and has no doubt been equally known to the other Members of the Board. It was not however until lately that I became poſſeſſed of a copy of either of thoſe Papers, although every endeavour was employed to obtain copies of them. The copy of a Memorial to the Governor General, which I now poſſeſs, has not been obtained through any public channel, but its authenticity will be ſufficiently proved.

In order to bring the ſubject in the moſt diſtinct manner before the Board I ſhall here ſtate the order in which the events I have to detail occurred. It has been made known to me, that within one or two days after the removal and departure of the late Commander in Chief, a number of his friends met in order to deliberate what meaſures they ſhould purſue.

The particulars of the diſcuſſion which took place on that occaſion are known to me only from a report. But it is ſaid that meaſures of the moſt violent and extravagant nature were ſuggeſted by ſome of the perſons preſent. I do not, however, communicate this information with the view of puniſhing the individuals concerned in thoſe proceedings, the information which I have obtained regarding them not being ſufficiently preciſe for that purpoſe. I

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

ſtate the circumſtances, becauſe they form a part of the general information which I have received, and are intimately connected with the other tranſactions which I ſhall proceed to detail, and becauſe (as far as theſe proceedings may have any effect on our preſent deliberations) we are not to reject the evidence of common fame and notoriety, nor to confine ourſelves to legal evidence or full proof of a matter which from its very nature is intended to be concealed from us.

There is full proof however that ſome of the friends of General Macdowall next proceeded to draw up a ſtatement relating to his conduct, and to prepare the Memorial to the Governor General.

General Macdowall had left the Commander in Chief's office, and all its records, in the charge of Captain J. M. Coombs, his Aid de Camp, to be delivered over to General Gowdie on his arrival, and the party (conſiſting of Colonel Capper, Captain Marſhall, the Secretary to the Military Board, Lieutenant Stock, his deputy, Lieutenant Colonel Martin, and Captain Coombs) were employed for about a week there and in the adjoining office of the Military Board, in the moſt ſecret manner, in preparing the above-mentioned Papers.

The ſtatement I underſtand to have been forwarded to General Macdowall at Columbo by Captain Coombs, who hired a boat to convey that and other papers to the General at that place. A Copy of the ſtatement is alſo ſaid to have been carried to England by Colonel Capper; the manner in which this ſtatement, and the Memorial to the Right Honourable the Governor General were prepared, is aſcertained by the examination of the writers employed in tranſcribing theſe papers, taken by me on oath, on the 11th of this month.

(No. 1.) Theſe perſons were examined in my preſence, and at my deſire, by the Advocate General, in the moſt ſolemn manner; and their depoſitions were recorded at the time by the Chief Secretary to the Government; the Judge Advocate General attending by my direction, in order to afford his aſſiſtance in the conduct of the examination.

As the ſtatement relating to General Macdowall's conduct does not appear to have been circulated in this country, I ſhall not at preſent offer any remarks upon it.

It will diſtinctly appear from the depoſition of the writers, that the Memorial to the Governor General was copied by them from one in the hand writing of Captain Marſhall, and another in the hand writing of Lieutenant Colonel Martin. A Copy of the Memorial (of which the Copy annexed to this Minute is a literal tranſcript), having been ſhown to two of the witneſſes, and read over by them, they declared it to be a counterpart of that which they had tranſcribed.

It would ſeem from the depoſition of one of the witneſſes that the paper given to him to copy, in the hand-writing of Captain Marſhall, was the original draft; as ſeveral words which he could not make out were explained to him by Captain Marſhall, and ſome by Lieutenant Colonel Martin and Lieutenant Stock. This circumſtance of the original being in the hand-writing of Captain Marſhall appears to point him out as the compoſer of it; for, although it is ſtated in the evidence of the ſame witneſs that a rough draft was alſo exhibited to him in the hand-writing of Lieutenant Colonel Martin, yet the particular inſtance of alteration in the latter, mentioned by the witneſs, ſeems rather to point it out as an accurate copy than an original; and it appears indeed from the evidence of one of the witneſſes that Captain Marſhall was conſidered at the time to have been the author of the paper. But this circumſtance is not, as far as Lieutenant Colonel Martin is concerned, very material, there being little difference between the compoſing ſuch a paper, and the act of induſtriouſly promoting its circulation when compoſed.

It appears that this Memorial was circulated at the Preſidency, and ſubſcribed by many officers, whoſe ſignatures were copied, under the orders of Captain Marſhall, by one of the writers of the Military Board, who was examined before me. It was alſo ſent for the purpoſe of ſignature to the different ſtations of the Army, or at leaſt to moſt of them.

On receipt of intelligence of this proceeding (although it was found difficult at the time to give credit to the reported contents of the Memorial) General Gowdie, who had recently aſ-

(No. 2.) ſumed the command of the Army, addreſſed the annexed circular letter to the officers commanding the principal diviſions of the Army, deſiring to know from them, whether any ſuch paper had been in circulation among the officers in their reſpective diviſions, and enjoining them to be vigilant in bringing the officers under them to a proper ſenſe of their duty, and of the dangers which they muſt incur by countenancing any proceeding of this nature.

(No. 3.) The replies to this Letter, which are annexed, were in general perfectly ſatisfactory, with the exception of the Letter received from Lieutenant Colonel Cuppage.

(No. 4.) The Letter from this officer (who at the time when the Letter from Major General Gowdie was written commanded one of the diviſions of the troops ſerving in Travancore) contains expreſſions of a very ambiguous and exceptionable nature, indicating a wiſh on his part to avoid giving a direct anſwer to the Letter which the General had addreſſed to him; it alſo adverts to Memorials from bodies of officers for the redreſs of ſuppoſed grievances, in terms by no means tending to diſcourage them, and at the ſame time gives countenance to the dangerous diſtinctions (attempted to be made alſo in the Memorial to Lord Minto) between the attachment of the Army to their country, and their obedience to the orders and reſpect for the authority of this Government. This officer adds, that he ſhall not make any further communication of the Commander in Chief's Letter until he receives further directions.

The Letter of Lieutenant Colonel Cuppage is the more exceptionable as he had been recently ſelected for the office of Adjutant General of the Army, a ſituation which impoſed on him, more particularly the duty of ſtopping the progreſs of improper principles, and which ſhould have induced him to act under the orders of the Commander in Chief, ſo as to preclude the poſſibility of doubt with reſpect to the correctneſs of his own conduct.

The

[No. 2. A.]
(No. 5.) Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

The copy of the Memorial which I now record is a tranſcript of one communicated to me through a private channel, which for obvious reaſons I cannot wiſh to reveal.

It cannot be neceſſary for me to offer any comment on this Paper; the ſentiments which it conveys are too unequivocal to ſuppoſe the poſſibility of their being miſunderſtood; and I am perſuaded that the Board will feel reſpecting it every ſentiment which the peruſal of ſuch a Paper ought to dictate. It is however important to compare the tenor of this Memorial with the language held by General Macdowall immediately before his departure, which the preparation of this Paper ſo cloſely followed; It adopted the tone, and is in many parts almoſt a repetition of, the inflammatory General Orders publiſhed by his directions, of the dangerous tendency of which it affords a ſtrong practical proof. After his example, it draws into queſtion the conduct of the honourable the Court of Directors in refuſing him, as "the *Repreſentative of the Army*," a ſeat in the Council of the Government. It proceeds to aſſert the ſame claims which he had advanced for himſelf and for the Army, to complain of the meaſures which he had cenſured, and to aſſert the ſame unjuſtifiable pretenſion to independent authority, and the ſame unfounded diſtinction between the Civil and Military Powers under which he had diſputed the ſupreme Military authority veſted by the Legiſlature in this Government, which authority the authors of this Memorial ſeem to be prepared, by the encouragement of his opinion, to reſiſt, if neceſſary, unleſs the criſis ſhall be anticipated by an acquieſcence in their demands.

In proceeding to recommend the meaſures neceſſary to be adopted with regard to this Memorial, I have been anxious to avoid the two difficulties of either, on the one hand, acting on inſufficient evidence, or on the other, of waiting too long for the full diſcovery of all the ſignatures affixed to it. As I had reaſon to believe that the ſpirit of diſſatisfaction was not gaining ground in the Army, it did not appear that any danger was *incurred* by waiting hitherto for fuller proof as to the individuals who had been concerned in ſigning or promoting the circulation of this Paper.

The ferment upon this occaſion has been chiefly confined to a proportion of the Southern Diviſion of the Army, and to a part of the troops lately ſerving in Travancore, under Lieutenant Colonel Chalmers, Lieutenant Colonel Cuppage, and Lieutenant Colonel the honourable Arthur St. Leger.

I am in poſſeſſion of clear proofs of the name of the laſt-mentioned officer having been affixed to the Memorial, and alſo of his having endeavoured to prevail on others to ſign it, thus perverting, to purpoſes the moſt dangerous to the Government, the influence and authority derived from the honourable command which had ſo lately been intruſted to him. The Board will, I am perſuaded, not expect that I ſhould produce the information which conſtitutes this proof, as the production of it might deter individuals from coming forward with that information which in a caſe of this nature could not perhaps be publicly and formally obtained.

It has alſo been diſtinctly aſcertained that Major J. D. Morgan has been active in the circulation of the Memorial, and the ſpirit by which he has been actuated will fully appear from his Letter to Lieutenant Colonel Cuppage, in reply to the circular Letter of the Commander in Chief, being one of the Encloſures to which I ſhall preſently draw the attention of the Board.

If the promoters of this Memorial had perſiſted in their original deſign of forwarding it to Lord Minto a complete diſcovery of the parties to it would of courſe have been obtained; but from the decided approbation of the meaſures of this Government, which his Lordſhip is now publicly known to expreſs, it cannot be preſumed that they will carry their intention into effect. The information, indeed, which I have lately received, affords every reaſon to believe that this intention is almoſt, if not wholly, abandoned; but if it were certain that the parties concerned in framing the Paper would now ſuppreſs it, the moſt ſolemn obligations of our public duty would demand that we ſhould adopt ſuch meaſures regarding it as the nature of it obviouſly requires. The perſons who have been moſt active in framing and circulating it can never be allowed to eſcape the puniſhment due to ſo daring an attempt, which certainly has not failed from any want of boldneſs or malignity on their part. They have employed every means in their power towards the accompliſhment of their dangerous views, by preparing and circulating a Paper, the evident object of which was to overawe the Government.

It is now to be conſidered what puniſhment is due to thoſe who have been inſtrumental in preparing this Paper, or who have affixed their ſignatures to it. I think it may be aſſumed as a clear poſition, that all thoſe who have aſſiſted in framing this Paper, or who have ſigned it, have by their own act forfeited the confidence of the Government, and cannot any longer be conſidered as perſons fit to be intruſted with the command of men and arms which they inſinuate the intention of eventually turning againſt the State.

This remark is meant to apply more particularly to the rank of Field-Officers, whoſe years and experience ought to have prevented them from joining in a proceeding ſo raſh and unwarrantable. It is ſo conſonant to the habits of military diſcipline that the junior and inferior ranks ſhould be led by their ſuperiors, that ſome allowances are always made in favour of ſuch as have this excuſe to plead for error; I ſhould therefore, even if all the ſignatures to this Memorial had been fully known and proved, have propoſed that at preſent only the officers of higher rank ſhould be ſubjected to puniſhment; officers however, in the junior ranks, proved to have been particularly active in preparing or circulating the Paper, form a proper exception to this principle; but it muſt be clearly underſtood that all thoſe who have affixed their ſignatures to that Memorial have by ſuch act rendered themſelves liable to be ſuſpended

[No 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

from the service, and nothing but the consideration that it is not necessary to extend example, or some alleviating circumstances on the part of the individuals (such as youth and inexperience, or general good character) can be considered to warrant their exemption from punishment where the fact can be clearly ascertained.

But, in many cases, the proof which I have obtained has been, either in its nature or in the mode of obtaining it, such as will scarcely enable the Board to proceed to the punishment of the individuals to whom this proof applies; for while the framers of this Memorial, and their factious abettors, have studiously magnified, by the means of public rumours, the numbers engaged in the combination, there has been observed in every part of the details connected with it a caution and secrecy, which, however it may betray a consciousness on the part of its authors that their purpose was highly criminal, has the effect of securing impunity to the greater part of those who have been engaged in it; even those officers (and I am happy to know that there are many who have rejected, with indignation, the attempt to seduce them from their duty) are generally unwilling, from mistaken notions of honour, to come forward against those who claim their secrecy.

In all matters of public feeling the multitude is led by a few; and I shall willingly cherish the hope that those officers who now, from whatever cause, escape punishment, may, on reflection, adopt other views, and returning to their duty and true interest, become again useful and honourable servants of the Public. There are some individuals, respecting whom I have received such information, both with reference to this Memorial, and to their general conduct during the late agitated state of parts of the Army, as render it the indispensable duty of Government to remove them from situations of influence and authority, although it may not be necessary to subject them to a greater degree of punishment. The existence of that state of ferment in the parts of the Army to which I allude constitutes of itself a sufficient reason for withdrawing the confidence of Government from the officers in command of them, who have failed in fulfilling the obligations of their public duty by not maintaining order and discipline among the officers under their command.

I shall now proceed to notice the address to Major Boles.

It has for some time been known to me that an address to that officer was in circulation among the officers of the Army; but it was not until towards the end of the last month that a copy of this address came into my possession.

The address was forwarded by Captain Grant (the officer commanding my body guard, who had been deputed by the Government to officiate as an assistant to the Resident of Travancore) in a letter to Lieutenant Colonel Barclay, my Military Secretary, for the purpose of being communicated to me.

There can exist no doubt, therefore, of its authenticity; although I have grounds for stating that there has been more than one address sent in circulation relating to the case of Major Boles: a paper on this subject, drawn up in terms in the highest degree reprehensible, has been circulated at the Cantonment at the Mount, under the countenance and encouragement of the commanding officer Lieutenant Colonel Bell. The common object, however, of most of those papers has been a condemnation of the measures of the Government, a justification of the conduct of Major Boles, and a subscription for his support, and for the support of such other officers as should become subject to the displeasure of the Government, under similar circumstances.

The sentiments expressed in the address to Major Boles (No. 6) equally with those stated in the Memorial to Lord Minto, are in their nature and objects so obvious, that it may perhaps be deemed unnecessary for me to offer any remarks on them.

There are however certain principles and legal authorities applicable to the case of Major Boles, which have been submitted to me by the Judge Advocate General, which I deem it of essential importance to enter on record.

They will be found in the paper (No. 7) annexed to this Minute.

In this paper the Judge Advocate General has shown, with great force of reasoning and authority, that an officer cannot be allowed to justify his compliance with an illegal order, but he may plead, in alleviation of such an offence, that he acted under a mistaken idea of his duty, or that he had been misled by the example of his superior officer.

If such a plea had been resorted to in the present instance, I should have been happy to have attended to it; but instead of offering any plea of this description, a justification, intemperate in its nature, was attempted by Major Boles, in a communication which General Gowdie was pleased to hold with him on the subject. The particulars of this conversation are detailed in the accompanying copy of a circular Letter from General Gowdie, addressed to the officers commanding divisions of the army. Whatever doubt, therefore, might have been entertained as to the propriety of Major Boles's suspension, under the idea that he had suffered for a mere casual error or inconsiderate mistake, (as many persons have been led to suppose) that there can be no difference of opinion as to the necessity of that punishment, when he thus deliberately attempts to vindicate his act, and even to consider it as meritorious.

(No. 8)

This conduct on the part of Major Boles may have proceeded from an erroneous mode of thinking, and from an adherence to a false principle; but if men will persist in their errors, and maintain their false principles, they must also abide by the consequences of such conduct. I therefore consider the case of that officer to be one holding forth to an Army principles of the most dangerous tendency; for if soldiers are suffered to acknowledge no superior but their General, a total dissolution of all legal Government must ensue.

The objects of the address are the avowed approbation and support of conduct punished by Government,

Government, and the providing a compenſation for all officers ſuffering, or who ſhall hereafter ſuffer from the acts of Government, which the ſubſcribers to the Addreſs may conſider to be exceptionable. [No. 2. A.] Encloſures in Gen. Letter, Secret Dep. 13th May 1809.

It is immaterial to the Government to what purpoſes officers apply their money, in a general point of view. But when money is applied to ſubvert order and ſubordination, and to indemnify individuals againſt the conſequences of miſconduct, it is impoſſible that ſuch a contribution can be juſtifiable either in a moral or legal light; in a military point of view, it is in direct counteraction of the authority which officers are bound to obey and ſupport, and tends to the ſubverſion of all legal Government.

If officers are to be allowed to erect themſelves into a deliberative body to arraign the deciſions of their ſuperiors, and to pronounce what is right or wrong, juſt or unjuſt, by the criterion of their own feelings, the meaneſt leveller might pretend to be the beſt judge, and the voice of reaſon and authority would be drowned in the general clamour. It is not without the moſt ſtrict and vigilant ſuperintendence of the Governing Power, that the generality of men can be made to diſcharge their duty, but it would be in vain to expect from them the correct performance of that duty, if they are encouraged to diſregard the deciſion of their ſuperiors, and invited to tranſgreſs the laws by promiſe of pecuniary indemnity.

The objects of this Paper, however objectionable, not being equally reprehenſible with thoſe declared in the Memorial addreſſed to Lord Minto, it had leſs earneſtly engaged my attention. It was, however, obtruded upon my notice by Captain James Grant, in a manner which renders it impoſſible for me, conſiſtently with the obligations of my duty, to avoid noticing his conduct, both with reſpect to his having affixed his ſignature to the Paper, and the diſreſpectful and improper manner in which he has thought fit to bring it before me. Captain Grant, whoſe official ſituation would, under any circumſtances, have rendered it neceſſary to notice in him any inſtance of diſaffection or diſreſpect towards the Government, addreſſed to Lieutenant Colonel Barclay, my Military Secretary, the Letter which I now communicate to the Board.

As the Addreſs to Major Boles, tranſmitted by Captain Grant, with his Letter, and which he avows to have ſigned, contains a direct cenſure of the meaſures of Government, and is founded on a principle of ſyſtematic oppoſition to the interference of the Civil Government (as it is there termed), it ſeems to me to be impoſſible to overlook the inſult offered to the authority of the Government by his forcing ſuch a Paper on my notice.

The Paper circulated at the Mount, under the countenance and encouragement of Lieutenant Colonel Bell, was ſimilar in its object and general tenor, and liable to all the ſame objections as that tranſmitted by Captain Grant.

The further replies to the Circular Letters from Major General Gowdie to the officers commanding diviſions, dated 5th March and the 10th inſtant, are annexed. (Nos. 10 & 11.)

Among theſe papers will be found the Letter from Major De Morgan, to which I have already drawn the attention of the Board.

I conceive that I ſhould not diſcharge my duty were I to conclude this Minute without noticing more particularly one of the principal cauſes of the late reprehenſible conduct of the officers of the Army; I allude to the idea conveyed to the Army by the late Commander in Chief, that the Govenor in Council is veſted only with the Civil, and not the Military, Government of the Country. This moſt unwarrantable inſinuation was calculated to ſow the ſeeds of diſcord, diſunion, and jealouſy between the Government and the Army; and the Honourable the Court of Directors will, I truſt, deem it proper to bring this and every other part of the indiſcreet and unjuſtifiable conduct of the late Commander in Chief under notice of the proper Authorities in England, in ſuch manner as they may deem it adviſable.

Conformable to the principles ſtated in the Minute, I propoſe the following Reſolutions:

That the undermentioned officers be ſuſpended from the ſervice of the Honourable Company until the pleaſure of the Honourable the Court of Directors ſhall be known.

Lieutenant Colonel the Honourable A. St. Leger,
Major J. De Morgan,
Captain Joſiah Marſhal,
Captain James Grant.

The departure of Lieutenant Colonel George Martin for England, prevents my propoſing his ſuſpenſion by the authority of this Government, but I propoſe that his diſmiſſion from the ſervice be recommended to the Honourable the Court of Directors.

That Lieutenant Colonel Commandant Robert Bell be removed from all military charge and command until the pleaſure of the Honourable the Court of Directors ſhall be known, but that he be permitted to draw his regimental pay and allowances.

That the undermentioned officers be removed from their ſtaff appointments, and ordered to join the corps to which they ſtand attached,

Lieutenant Colonel Cuppage, Adjutant General of the Army,
Captain Coombs, Aſſiſtant Quarter Maſter General in Myſore.

That Lieutenant Colonel Commandant Chalmers be removed from the command of the Subſidiary Force in Travancore.

That the Commander in Chief be requeſted to ſuperſede in the command of their Battalions the undermentioned officers, who have not exerted themſelves in maintaining order and diſcipline in their reſpective corps, with ſuch others as the Commander in Chief's infor-

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

mation may induce him to consider as improper persons to be intrusted at the present moment with the charge of corps,

Captain Smith, 2d battalion, 14th regiment,
Major Keasberry, 2d battalion, 9th regiment,
Major Muirhead, 2d battalion, 18th regiment,
Major Hazlewood, 1st battalion, 24th regiment.

That the Commander in Chief be also requested to remove Lieutenant Colonel Rumley to the 7th regiment of Native Cavalry at Arcot, his conduct in the command of the Cantonment at Bangalore having been for some time past unsatisfactory.

(Signed) G. H. BARLOW.

1st May 1809.

LIST of Papers, referred to in the President's Minute, 1st May 1809.

(No. 1.) Examinations.
(No. 2.) General Gowdie's Circular Letter to Commanding Officers of Divisions, calling upon them to suppress all improper Addresses or Memorials.
(No. 3.) Answers to the above.
(No. 4.) Answer from Lieutenant Colonel Cappage.
(No. 5.) The Memorial to Lord Minto.
(No. 6.) Address to Major Boles.
(No. 7.) Paper of Authorities submitted by the Judge Advocate General.
(No. 8.) General Gowdie's Circular Letter on the subject of the Address to Major Boles.
(No. 9.) Letter from Captain Grant to Lieutenant Colonel Barclay.
(Nos. 10 & 11) Further Replies to Major General Gowdie's Circular Letters of the 5th of March and 10th April.

(No. 1.)—EXAMINATION.

Examination of Robert Kentish, a writer in the office of James Balfour, esq. on his oath; 11th April 1809.

Have you at any time been employed in writing papers relative to the conduct of the Government and the Commander in Chief on late occasions?—I have.

Did you write one or more papers?—I copied several papers; first, the correspondence betwixt the Commander in Chief and the Government; also a statement prepared by Captain Coombs, in his own hand writing, about seven sheets of paper, stating the improper acts of Government against the Commander in Chief and Lieutenant Colonel Munro, as being a fit matter of complaint to the Supreme Government.

By whose directions did you copy that paper?—By Captain Coombs' directions, about three or four days after the departure of General Macdowall.

Did you receive any directions from any other person, or was any other person employed about the paper except Captain Coombs?—No other.

Where were those papers written by you?—At the office of the Commander in Chief.

Had the paper in Captain Coombs' hand writing been previously prepared?—Part was given to him to copy, and the remaining sheets sent in as witness was transcribing them.

Whilst Captain Coombs was preparing the original, did he see any other persons in communication with him?—He saw Colonel Capper come in once or twice.

Was you employed copying the paper in a public room or in a private one?—It was in a public room, but he was cautioned not to admit other persons.

Were those other writers employed on the same subject?—Upon the same subject.

Who were those writers?—Mr. A. De Souza, and Anthony Caldeira.

For how many days were you employed on this business?—About a week.

Had you occasion to know at that time of any other papers being prepared in the Commander in Chief or Military Board's office?—A young man, Mr. Joseph Hamilton, said he had got a very well-written Letter to copy, and supposed it was to be forwarded to the Supreme Government.

Did he make any further observations about the paper, or the writer of it?—He did not.

Do you remember his observing at the same time what a clever man Captain Marshall is?—He does recollect it.

To what did you consider that observation as referring?—To the Letter to the Supreme Government.

Did any further consideration take place concerning those papers at the same time?—None further.

Were any persons then present besides De Sauza, Hamilton, Caldeira, and yourself?—No other persons.

How came you to be employed in Captain Coombs' office in writing those papers?—I am a writer in Mr. Balfour's office; he sent me there.

Do you know any thing further concerning that or any other paper?—Nothing, except of a private Letter from Captain Coombs to General Macdowall.

Do you know what became of that statement and papers of which you made a copy?—One copy was forwarded by Tappal to General Macdowall, Captain Coombs kept the others.

(Signed) ROBERT KENTISH.

Examination, on oath, of Anthony De Souza; 11th April 1809.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

Are you a writer in the Commander in Chief's office?—I am.

Were you employed soon after the departure of General Macdowall in copying any papers relative to the disputes between General Macdowall and Government?—I was.

What papers?—A part of a paper which was drawn out by Captain Coombs, enclosing the Letters from General Macdowall to Government, and from Government to General Macdowall, regarding Lieutenant Colonel Munro.

Did you know of any other papers prepared at that time in that office, or in the Military Board office?—I know of no other paper, nor of any thing done in the Military Board office, being employed in the upper room in the Commander in Chief's office.

(Signed) ANTHONY DE SOUZA.

Examination, on oath, of Anthony Caldeira; 11th April 1809.

Was you a writer in the Board of Revenue office at the time the late Commander in Chief went away?—I was at that time employed as a Sectioner in that office.

Was you about that time employed in writing any papers in the Commander in Chief's office?—I was.

What papers?—I had to enter in the book, Letters to the General from the Government.

Was you employed in writing any other papers?—I copied papers given me by Captain Coombs, the purport of which I cannot rightly recollect. I made several copies of that paper and its enclosures, being copies of Letters from and to Government.

What do you mean by that paper?—It was a paper referring to those several enclosures, and making observations upon them.

Did you copy a Memorial to the Governor General?—No, I did not.

(Signed) ANTHONY CALDEIRA.

Examination, on oath, of John Perriman; 11th April 1809.

I believe you are a writer in the Military Board office?—I am.

Do you remember having been employed soon after the departure of General Macdowall in copying any papers relative to the disputes between General Macdowall and Government?—I recollect being employed to copy a Memorial to the Court of Directors, and several Letters to the Commander in Chief.

Were you not employed in copying a Memorial from the officers addressed to Lord Minto?—No, that Memorial was copied by Mr. Hamilton.

Did you at that time see that Memorial?—I did see it, I think I made one or two copies of it.

Do you recollect who directed you to copy that Memorial?—Captain Marshall and Colonel Martin directed me to copy it.

In whose hand-writing was the paper from which you made the copies?—In the hand-writing of Mr. Hamilton; but I saw the original, which was in Capt. Marshall's hand-writing.

Did you copy any other papers at the same time of the same tendency, particularly an Address to Colonel Capper, or to Major Boles?—No, I did not.

Did you see any such papers?—I did not see any but a large packet addressed to Major Boles.

A paper, purporting to be a Memorial to the Right honourable Lord Minto, Governor General, is shown to the witness, and he is asked, If the contents be similar to those of the paper which he copied?—Witness having read over the Paper, replies, That the contents appear to be the very same.

Did you know of any other writers having been employed in writing papers on that subject besides Hamilton?—No; I did not.

(Signed) JOHN PERRIMAN.

Examination of Joseph Hamilton, on oath; 11th April 1809.

Are you a writer in the Military Board Office?—I am.

Was you employed, soon after the departure of General Macdowall, in copying any papers respecting the disputes between him and Government?—I know a paper, of which Captain Marshall desired me to make several copies, which was signed by the officers; it was a Memorial to Lord Minto.

A Paper, purporting to be a Memorial to the Right honourable Lord Minto, Governor General, is shown him, and he is asked, If the contents be similar to these of the Paper he copied?—Witness having read the paper, says, The contents are the very same.

In whose hand-writing was the original from which you made those copies?—The first paper I copied was in the hand-writing of Captain Marshall; another copy of the same paper was in the hand-writing, as I believe, of Colonel Martin, who directed me to copy it.

Were any other writers, besides you, employed in copying the Memorial?—Yes; John Perriman was employed in copying it.

Did you receive any order at that time concerning that or any similar paper from any other persons besides Captain Marshall and Colonel Martin?—I did not.

You have described the Memorial as having been signed by officers, did you see the signatures?—I saw a number of signatures; I had a list of them to make.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

Who directed you to copy the Lift?—Captain Marſhall gave it him; the lift was attached by a thread to the paper.

Have you any copy of that Lift?—I have not.

Do you remember any of the names you ſaw annexed to that Paper?—I do not recollect any of the names.

Which of the papers did you firſt copy, that in the hand-writing of Captain Marſhall, or that written by Colonel Martin?—I firſt copied that written by Captain Marſhall.

Did that appear to be the original draft of the Memorial?—It did appear to be the original draft; ſeveral words I could not make out were explained, ſome by Captain Marſhall, ſome by Colonel Martin, and ſome by Lieutenant Stock.

Did the paper in Colonel Martin's hand-writing appear to be a fair draft?—That appeared to be a rough draft; ſeveral words were ſcratched through in it, amongſt others the word depudiated had the pen run through it; and the word degraded was written above it.

Were you employed about any other paper beſides the Memorial?—No, I was not.

(Signed) J. HAMILTON.

Examination of Mathew Read; 11th April, 1809.

Was you employed in the office of the Military Board, or in the office of the Commander in Chief at the time of General Macdowall's departure from the Coaſt?—I was employed as a writer in the office of the Military Board.

Was you about that time employed in preparing any papers reſpecting the diſpute between General Macdowall and Government?—There was a paper which Captain Marſhall gave me, which I diſtributed to the writers.

What was that paper?—I did not read it, but gave it to Hamilton, a writer for the Military Fund.

Do you know the general deſcription of the paper; what ſort of paper was it?—I did not read the paper; it was written on two ſheets of fools cap.

Do you know if it was a Memorial?—It was an Addreſs to the Right Honourable Lord Minto; I did not read it.

In whoſe hand-writing was the Addreſs?—In the hurry of buſineſs I did not particularly obſerve that.

Do you remember any other papers upon the ſame ſubject after the departure of General Macdowall?—No I do not.

(Signed) MATHEW READ.

(No. 2.) General Gowdie's Circular Letter to Commanding Officers of Diviſions, calling upon them to ſuppreſs all improper Addreſſes or Memorials.

(Circular.)

To the officer commanding the Diviſion of the Army.

Sir,

I HAVE received, with the deepeſt regret, accounts of the circulation throughout the Army of Addreſſes of a moſt improper nature and ſeditious tendency. Although I cannot believe a proceeding ſo repugnant to the firſt principles of diſcipline and duty, ſo pregnant with the moſt diſgraceful and diſaſtrous conſequences to the ſervice over which I have been placed, yet every obligation of my duty demands that I ſhould omit no means of preventing the fatal ends which the adoption of that proceeding would effectually produce. It is entirely unneceſſary for me to advert to the public meaſures which have recently occurred, as they are under reference to the only powers to which the authorities that adopted thoſe meaſures are reſponſible. Any proceedings on the part of the Army with reſpect to thoſe meaſures would be hurtful to the fundamental principles of diſcipline and ſubordination, which direct implicit obedience to the Government under which it is placed. It would be contrary to its allegiance, which demands that it ſhould manifeſt an implicit and reſpectful ſubmiſſion to the ultimate deciſion of its Sovereign and its Country; and it would be ruinous to the honour of the Army, as thoſe proceedings muſt be regarded as a wanton and unjuſtifiable breach of diſcipline. It is accordingly my duty to call on you, in the moſt impreſſive manner, to employ every exertion of your vigilance and authority in maintaining the diſcipline of the officers and men intruſted to your command. I alſo deſire that officers commanding corps may be held reſponſible, in the moſt rigorous acceptation of military obedience, for the good conduct and diſcipline of the officers under their orders. Officers commanding corps poſſeſs the moſt effectual means of maintaining ſubordination, and they will incur the moſt ſerious reſponſibility by countenancing or permitting of any proceedings contrary to it.

For my part, the Army may be aſſured that I ſhall never deviate from the line of conduct preſcribed by the moſt ſolemn obligations of duty; and of offering a moſt determined oppoſition to every plan of a nature incompatible with the diſcipline, the dignity, or the honour of the Army, with the authority of the Government and the intereſts of my Country.

(Signed) FRANCIS GOWDIE,
Major General Commanding.

Commander in Chief's Office,
Fort-St. George, 5th March 1809.

(No. 3.) Anſwers to the Circular Letter.

Head Quarters, Northern Diviſion of the Army. [No. 2. A.]

To Major General Gowdie, Commanding the Army in Chief.

Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

Sir, Fort St. George.

I HAVE the honour to acknowledge the receipt of your Letter, dated the 5th inſtant, and to report, that in conſequence thereof I have addreſſed the ſeveral officers in command of corps in the Northern Diviſion of the Army on the ſubject it alludes to. Copy of my Addreſs is herewith tranſmitted.

(Signed) ALDWELL TAYLOR,
Lieut. Col. Comm. in Charge of the N. D. of the Army.

To the Officer Commanding, &c. &c. &c.

Sir,

I HAVE this day received a communication from Major General Gowdie, ſtating that Addreſſes of an inflammatory and ſeditious nature are now in circulation throughout the Army, and calling upon me, in the ſtrongeſt manner, to adopt every meaſure in my power for their ſuppreſſion. The General, adverting to late public meaſures, mentions that they are under reference to the only powers to which the authorities that adopted thoſe meaſures are reſponſible, and that any interference on the part of the Army would be hurtful to the fundamental principles of diſcipline, and contrary to that ſubmiſſion to the ultimate deciſion of its King and Country which its allegiance demands. Not having ſeen any of the Addreſſes alluded to I cannot enter more fully into the ſubject than by conforming implicitly with the inſtructions I have received; and declaring, in the moſt unequivocal terms, that much being in the power of officers commanding corps, they will be held rigorouſly reſponſible for the good conduct and diſcipline of the officers under their command.

General Gowdie concludes by ſaying, that the Army may reſt aſſured he will never deviate from the line of conduct preſcribed by the moſt ſolemn engagements of duty, that of offering a moſt determined oppoſition to every plan of a nature incompatible with its diſcipline, dignity, and honour, the authority of Government, and the intereſts of his Country.

In conformity with the ſentiments above detailed, it becomes my duty moſt ſeriouſly to require every exertion of your vigilance to put a ſtop to all irregular proceedings, to preſerve order, and to enforce ſubordination in the corps under your command.

(Signed) ALDWELL TAYLOR,
Lieut. Col. Comm. in Charge of the N. D. of the Army.

Vizagapatam,
14th March 1809.

(A true Copy.)

(Signed) A. TAYLOR, &c. &c.

Bellary, 17th March 1809.

To Major General Gowdie, Commanding the Army in Chief.

Sir,

YOUR Letter, dated the 5th inſtant, addreſſed to the officer commanding the forces ſerving in the Ceded Diſtricts, has been received and opened by me, and from the nature of its contents I deemed it adviſable to give an immediate attention, without waiting the arrival of Colonel Croker, as I am not acquainted with the movements of that officer, or how ſoon he may be expected in the diviſion.

To give your ſentiments, therefore, the fulleſt effect and ſupport on the unpleaſant ſubject to which they relate, a ſubject on which I cannot but naturally feel the deepeſt concern, I aſſembled the officers commanding the ſeveral corps at this ſtation, and perſonally communicated to them your Letter, accompanied with every exhortation that the ſtrong conviction of the ſerious importance of its ſubject could require, or that the public duty of my own rank and ſtation could demand; and, on this occaſion, I have the ſatisfaction to ſay, that I entertain no ſuſpicion that any Addreſs of the tendency which you allude to has been received here; and I moſt anxiouſly truſt that no ſuch dangerous proceeding will be attempted. It will, however, of courſe, be my duty, as long as I continue here, to adopt every meaſure that vigilance may ſuggeſt in detecting and preventing the like making any footing in the range of my authority, in which Copies of your Letter are carefully circulated.

I have the honour to be, Sir,
You moſt obedient Servant,
(Signed) J. PATER, Major General.

His Excellency the Commander in Chief, &c. &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 15th inſtant, and I ſhall exert my utmoſt endeavours to recall thoſe officers to a ſenſe of their duty who have been concerned in the Addreſſes alluded to in your Letter, as well as any other conduct that may tend to ſubvert the diſcipline of the Army. I have forwarded a Copy of your Letter to the Commanding Officer of every regiment in the Southern Diviſion, requiring them to give the utmoſt attention to the ſubſtance of it; and ſhould they diſcover amongſt their officers any appearances of a ſeditious tendency towards the Government of the Country, they will

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

immediately report the same to me, in order that the particulars may be laid before Government. The officers of His Majesty's 30th regiment in this camp, have had nothing to do with any Address, and I have every reason to think that they will uniformly reprobate the practice of officers deliberating and deciding on the measures of any Government.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) W. WILKINSON,
Col. Comm. S. D.

Camp near Shancottah,
13th March 1809.

Madras, 26th March 1809.

To Major General Gowdie, Commanding the Army in Chief.

Sir,

I HAVE the honour to acknowledge the receipt of your Circular Letter under the date of the 5th instant, which having been sent by mistake to Seringapatam did not reach me until a few days ago; and as the Extract of the Letter from the Supreme Government, sent to me by orders, was received about the same time, I took the opportunity which offered in transmitting Copies of the Extract to Commanding Officers of Stations in the Mysore Division, of conveying also the spirit of your Letter in terms which, I trust, will have the effect of checking or suppressing any improper Addresses or Memorials which may be in circulation on the part of the Army intrusted to my command. It is, however, proper I should inform you that the existence, at this moment, of any such Addresses as your Letter alludes to is entirely unknown to me, but should it hereafter appear that any such are in circulation, I trust I shall be able, by the measures I have already adopted, and the further steps I shall pursue on my return to the Division (which will be early in the next month) entirely to subdue that spirit of insubordination, and to bring such officers as may have so far deviated from the paths of true discipline and duty to a proper sense of that line of conduct which is indispensable in the military character.

I have the honour to transmit with this a Copy of my Circular Letter on the above subject, of which I hope you will approve.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed) HENRY DAVIS,
Lieut. Col. Commanding in Mysore.

Copy of a Circular Letter addressed by Lieutenant Colonel Davis, Commanding the Troops serving in Mysore, &c.

To the officer commanding in Malabar, and in Kanara, and to Officers commanding stations in Mysore; dated Madras 1809.

" I HAVE the honour to transmit to you a copy of an extract of a Letter from the Supreme " Government, addressed to the honourable the Governor in Council at Fort St. George, and " sent to me by order of the officer commanding the Army in Chief, for the purpose of being " made generally known to the officers serving in the division under my command. I request " you will take the necessary measures for making known to every European officer belonging " to the troops under your orders, the sentiments of the supreme Government conveyed in " the accompanying Extract."

" I take this opportunity of informing you that I have received a communication from " the officer commanding the Army in Chief of its having come to his knowledge, that " Addresses of the most improper nature, are in circulation throughout the Army; and I " am commanded by him to employ every exertion for maintaining the discipline of the of- " ficers and men intrusted to my command. I accordingly direct that the assistance which " is in your power to afford me in the furtherance of this object be strenuously and zealously " employed to suppress and discountenance such Memorials, and improper correspondence, " as may come within your knowledge; and as officers commanding Corps possess the most " effectual means of maintaining and enforcing subordination, it is my orders they be called " upon to exert that means in the way which shall to them appear the best adapted for that " purpose; and you will communicate to them that they will incur a most serious responsibility " by countenancing or permitting any proceeding contrary to it."

(A true copy)
(Signed) HENRY DAVIS.
Lieutenant Colonel, Mysore.

To Major General Gowdie, Commanding the Army.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 5th instant, conveying your sentiments in consequence of a report having reached you that papers of an improper tendency were circulated in the Army.

I lost no time after the receipt of your Letter in making known the contents of it to the officers commanding Corps at the Head Quarters of the Subsidiary Force, and I have been assured by all those officers of their determination to maintain discipline in the corps they respectively command, and of their exertion in preventing the circulation of any paper of a seditious tendency.

At

[No. 2 A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

At the same time I believe I may assert with confidence that no paper of such description has gone or is likely to go from this cantonment with the signature of any officer under my command.

I sent a copy of your Letter to Lieutenant Colonel Doveton, and directed him to make known your sentiments to the Commanding Officers of Corps in the detachment he commands.

(Signed) THOs G. MONTRESOR, Lieutenant Colonel.

Secunderabad,
21st March, 1809.

To Major General Gowdie, commanding the Army in Chief.

Sir,

I HAVE the honour to inform you that Lieutenant Colonel Doveton, commanding the detachment of the Subsidiary Force in Berar, has received and communicated to the Commanding Officers of Corps, my copy of your Letter of the 5th instant, and I have great pleasure in repeating his assurances that no paper of the tendency alluded to has ever been in circulation in the detachment under his command.

(Signed) Thos G. MONTRESOR, Lieut. Col.

Cantonment, Secunderabad,
29th March 1809.

To Major General Gowdie, commanding the Army of the Madras Presidency.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 5th instant; and have much pleasure in having it in my power to inform you that no Addresses of the nature adverted to by you have, to my knowledge, been circulated in the Force under my command, or any other papers of a tendency detrimental to good order and subordination.

Should any circumstance hereafter come to my knowledge of a nature tending to weaken the indispensable principles of obedience to the Governments of India, or of the strictest discipline in those under my authority, you may not only rely on my discountenancing such attempts, but on my taking the strongest measures to counteract them.

In consequence of the instructions contained in your Dispatch to me I have addressed a Letter to Major Lewis, the officer commanding the 2d regiment of Cavalry, which is the only Corps of the Madras Army now under my command, holding him responsible for the subordinate conduct of that regiment, and to inform me of the slightest attempts to draw any member of it from the strict line of his duty.

In doing so, however I found myself called upon, in justice to the constant good conduct of the whole of that corps since it has been under my command, to repeat the declarations I have made to you, viz. that I know of no circumstances arising out of the conduct of any individual composing it, which justified the suspicions implied by the instructions I then transmitted to him, or which rendered them at all necessary.

I have the honour to be Sir,
Your most obedient
humble servant,

Talligaum.
20th March, 18

(Signed) W. WALLACE, Colonel.

(No. 4.)—Answer from Lieutenant Colonel Cuppage to Major General Gowdie, Commanding the Army.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 5th instant, yesterday evening.

I considered it my duty to call on Lieutenant Colonel Gibbs, commanding His Majesty's 59th Regiment and 5th Brigade, No. 1; and in communication with him, judged it most advisable to confine the communication of your Letter to the heads of corps. Lieutenant Colonel Gibb's reply to my Letter is No. 2. Major Sturt, commanding detachment His Majesty's 80th Regiment, and Major Vernon, commanding 2d Battalion 12th Regiment, both of the 4th Brigade under my immediate command, were called on by me this morning.

In communicating to your Excellency, I consider it my duty to state circumstances as they appear to me; one and all of these officers appeared to feel hurt at a doubt existing that any motive could induce them or the officers under their command to any act subversive of good order and discipline. That the general occurrences which have taken place, as far as regards the military officers concerned, become generally a subject discussed is certain, and that the minds of officers have been agitated by it, is beyond doubt.

In no example of military duty have I observed more zeal for the service, or greater exertion to keep up order and discipline, than in the corps forming this detachment; and I must feel thankful to the several Officers for the spirit and cordiality with which the service has been performed.

I shall not make any further communication of your Excellency's Letter till I am favoured with directions.

In concluding this Letter, I deem it proper to refer to the consideration of the officer commanding the Army, how far it will be correct in me as an officer holding a general command to receive and forward, through the regular channel, any supposed grievances which the officers under my orders may have, provided they are addressed in a respectful and

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

proper style; this I referred on a former occasion to the late Commander in Chief, Lieutenant General Hay Macdowall.

I have the honour to be, Sir,
your most obedient humble Servant,

Head Quarters, Camp at Paroar,
15th March 1809.

(Signed) J. CUPPAGE.
Lieut. Col. Com. Detachment.

(No. 1.) Lieutenant Colonel Gibbs, His Majesty's 59th Regiment, Commanding 5th Brigade.

Sir,

I HAVE the honour to send for your perusal a Letter addressed to me by the officer commanding the Army.

I can speak in truth to the high spirit of discipline and zeal manifested by the corps under your orders on the present service, and that I do not think a spark of disaffection to the State, exists in the mind of a soldier in camp. The minds of officers have been agitated by the late occurrences at the Presidency, but I have that high sense of their spirit and discipline, and affection to their country, that no consideration would bias them to an act that could in its consequence be of detriment to it. It may be my duty to draw your attention to that part of the officer commanding the Army in Chief's Letter, mentioning the subject being in reference to the highest authority.

Your situation places you so as to be better acquainted with the prevailing sentiments. I have that high respect for you, that I am persuaded the most trifling spark tending to sedition, either by word or deed, would have met with an immediate check.

Head Quarters, Camp at Paroar,
14th March 1809.

(Signed) J. CUPPAGE.
Lieut. Col. Commanding.

(No. 2.) Lieutenant Colonel Cuppage, Commanding Camp near Paroar, 15th March 1809.

Sir,

I HAVE perused your Letter of the 14th instant, and also the one enclosed in it from Major General Gowdie commanding the Army, bearing date Madras, 5th March 1809, addressed to you.

I respectfully take leave to assure you, Sir, and the Major General commanding, that I am quite at a loss for the reason of such being sent to me. I know not of any thing now passing, or that has occurred amongst the troops I am serving with, that in any respect merits the epithets used in the latter letter. I have seen nothing but cheerful obedience by all. As to His Majesty's 59th Regiment, which I have the honour to command, its character is too well established to be injured in the slightest degree by mere assertions and reports, and its conduct will continue to be what it ever has been, such as becomes the Regiment of a beloved King.

(Signed) S. GIBBS.
Lieut. Col. 59th Regt. Com. 5th Brigade.

(True Copy.)

(Signed) J. CUPPAGE.
Lieut. Col.

(No. 5.) The Memorial to Lord Minto.

To the Right honourable Lord Minto, Governor General, &c. &c.

The respectful Memorial of the Officers of the Madras Army,

Humbly sheweth,

THAT your Memorialists, deeply impressed with the sense of the duty which they owe to their country, earnestly implore your gracious interference for the purpose of correcting a system which has occasioned the most serious alarm, lest the rules and ordinances which define their place in the community be completely subverted.

Your Memorialists are not influenced by extravagant notions of freedom, or by any ideas of independence inconsistent with the rigid subordination which characterizes their profession, and is essential to its existence. They do not expect, nor do they ask for, the relaxation of any tye, or the dissolution of any bond by which the stupendous fabric of an extensive Army is sustained in a state of subserviency to the Supreme Power of the Constitution, of which it forms a part, being justly sensible that inconsiderate indulgence or immunity, under habits of licentiousness, necessarily tend to destroy the principle of military discipline, and to render that body, which was formed for the protection of the State, subversive of its tranquillity; but your Memorialists, the free children of that country, which, while the rest of Europe is enslaved, boasts a Constitution, the basis of which is liberty, your humble Memorialists, not the abject slaves of a country enthralled by despotism, respectfully assert a claim to certain Rights and Privileges, the engagements of which may be allowed to them without impairing or encroaching on the dignity of Government, or in any way interfering with the other department of the State.

Your Memorialists have to lament, generally, that although their body is now extremely numerous, and the question regarding their duties, their claims, and their privileges, so multifarious as to require the assistance of practical experience in discussing the merits of them, yet they have not a representative in the Council of Government where alone the discussions can be agitated: to this cause may be ascribed the recent measures, which make

it

[No. 2. A.]
Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

it neceſſary for your Memorialiſts to implore your gracious interpoſition, as they are directly ſubverſive of thoſe principles of honour and diſcipline which harmonize and cement the conſtitution of a military body, and are at the ſame time groſsly inſulting to the general character of the military profeſſion.

A ſuccinct notice of theſe meaſures will amply develop the principle by which your Memorialiſts eſtimate the injuries they have already received, and the further abuſe of authority which they have reaſon to apprehend, unleſs the ſyſtem ſo manifeſtly hoſtile to the honourable feelings of a military body be ſeaſonably checked. It may be already known to your Lordſhip, that Lieutenant-Colonel Munro, a member of the body to which your Memorialiſts belong, having incurred the ſuſpicion of having acted in a manner that was moſt generally conſidered to have been criminal, was openly and publicly impeached by a conſiderable number of reſpectable officers, who preferred military charges againſt him. This meaſure was adopted in the hope that a candid examination before the honourable Tribunal of a Court Martial might confirm the ſuppoſed guilt, and lead to adequate puniſhment; or, if guilt really did not exiſt, that, purified by that ordeal, he might return to a place in that ſociety, in which, as muſt be well known to your Lordſhip, ſuſpicion is conſidered equivalent to infamy. In conſequence of the charges, and by virtue of the Warrant which gave to the Commander in Chief, and to him only, the judicature over the Madras Army, and veſted in him alone the juriſdiction of it for the time being, Lieutenant-General Macdowall placed Lieutenant-Colonel Munro under arreſt; from which arreſt he has ſince reluctantly releaſed that officer, in conſequence of the interference of the Civil Government, who have thus diſunited the chain upon the integrity of which the principles of military ſubordination depend; for if the ſource from whence authority and ſubordination flow to all the members of the military body be violated, the ſubordinate branches, which derive their exiſtence from it, muſt loſe their virtue.

Viewing the interference of the Civil Government to check the preſcribed laws of military dependence as a dangerous innovation and infringement of the ſolemn laws of the Army, your Memorialiſts perceive in it *the unlicenſed confuſion and anarchy.

* Query.

No deſultory exerciſe of arbitrary power, however ſevere, can be expected to reſtrain the paſſions or feelings of enlightened men, although it may diſtreſs and mortify individuals. The doubt regarding its legality, and the pernicious principles by which it muſt ever be regulated, deprived of that authority and reſpect which attached to an eſtabliſhed ſyſtem of juriſprudence, ſanctioned by the Legiſlature, by preſcription, by habit, and by the feelings of thoſe eſtimated under its influences.

In order to vindicate the character of his profeſſion, and to maintain the integrity of his military authority over thoſe under his command, Lieutenant-General Macdowall directed the publication of a General Order, conveying a reprimand to Lieutenant-Colonel Munro, for diſreſpect to his Commander in Chief, in not abiding by the regular courſe of inquiry laid down for ſimilar caſes.

As the former act of Government had proclaimed to the Army that Lieutenant-Colonel Munro was not amenable to military law on this occaſion, that officer was declared to be ſuperior to the control of the Commander in Chief, by the publication of an Order, in which Lieutenant-General Macdowall, is repreſented to have acted in a manner derogatory to the character of Government, and ſubverſive of military diſcipline, and the foundation of public authority, although the Order of General Macdowall refers merely to the diſreſpect, the diſobedience of orders, and contempt of military authority manifeſted by an officer, who was not only under his general control, as belonging to the Army which he commanded, but who, attached to his immediate Staff, owed him particular reſpect and obedience.

Your Memorialiſts, accuſtomed to judge of the acts of military men as referrable to the ſtandard of right and wrong, which has been eſtabliſhed by the Legiſlature for the control of their body, cannot diſcover any relation between thoſe Orders of Government and the rules and diſcipline of ſubordination. Equally ſubverſive of the foundation of authority is that reſolution of Government, by which the Adjutant-General and his Deputy are ignominiouſly ſuſpended from the ſervice for having obeyed the orders of their Commander in Chief; which obedience is ſtated to be a direct violation of the duty of thoſe officers towards the Government.

It muſt be painful to your Lordſhip, as it is to your Memorialiſts, to contemplate the poſſible conſequences of a proceeding, equally unprecedented as it is unaccountable, by any other rules but thoſe of blind prejudice or deluded infatuation.

Your Memorialiſts perceive a Commander in Chief who has long lived among them, who was perſonally beloved by many, and was known by all to have manifeſted great forbearance, under circumſtances extremely mortifying, from the conduct which the Government obſerved towards him.

They perceive the character of ſuch a man groſsly calumniated while their regret for his departure was yet freſh; they ſee two officers of high rank, character, and reſpectability, publicly degraded, deprived of their particular rank, and ſuſpended from the ſervice, for having obeyed their Commander in Chief in ſigning and publiſhing an Order written by himſelf, for the purpoſe of vindicating the dignity of his military authority, which had been flagrantly violated by one of his own Staff, who openly defied and diſregarded the Supreme Military Commiſſion. They perceive this officer, who had been publicly impeached under charges of a ſerious nature, and who had inſulted his Commander in Chief, ſhielded from the natural effects of ſuch miſconduct by the interference of Government. Your Memorialiſts cannot avoid declaring, that they perceive in this inverſion of the fundamental laws of diſcipline, a moſt dangerous infringement of the military code, that bulwark which preſerves a ſtate from the

[No. 2 A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

licentiousness of an armed rabble, and protects a disciplined Army from the insults of an arbitrary power, a power subject to no control except the caprice or prejudice of an individual; and your Memorialists feel a just alarm, lest the repetition of acts which are not guided by any rule may tend to wean their affections, and dispose them to consider as enemies those whose situations should make them their friends.

Your Memorialists have learned with indignant regret that their enemies, and the enemies of their country, have represented as public disaffection the discontent produced by local and partial injuries arising from the present system. But they confidently appeal to the zeal and ardour with which a large proportion of them are now discharging the most arduous duties in the service of the State. They appeal to the moderation with which they have stifled those feelings which the recent conduct of the Madras Government was calculated to inspire; and while they declare their inviolable attachment to the Constitution under which they serve, and to the profession, as regulated by its own laws, they cannot suppress the expression of their concern at the manner in which the exclusive rights of the Army have recently been violated, and of their sanguine hope and earnest entreaty that the supreme Government may in its wisdom be induced to appease their just claims, and to anticipate the extreme crisis of their agitation, by releasing them from the control of a ruler, whose measures guided by the council of their implacable enemies, are equally detrimental to the interest of the State, as they are repulsive to the feelings of a loyal and patriotic Army.

(A true Copy.)

(Signed) A. FALCONAR,
Chief Secretary.

January 1809.

(No. 6.)—Address to Major Boles.

Sir,

The officers of the Madras Army, whose names are hereunto annexed, can no longer abstain from expressing to you their surprize and concern at the severe and unmerited punishment inflicted on you by an act of the civil Government of Fort St. George, for no other reason, that is stated, but that you obeyed the orders of their Commander in Chief in a case purely Military.

Feeling the question to involve circumstances essential to their best interests, and fundamental to the character and respectability of the Army, no less than to the principles of martial law, they consider themselves called upon to signify to you their marked approbation of your conduct, as an officer on the General Staff on that occasion.

Whilst your brother officers seize this opportunity to express their sense of the propriety of your conduct, they fully appreciate the personal inconvenience to which you are exposed by suspension from office and the service; with these feelings they request the honour of repairing your injuries in the mean time, as far as lays within their power, by subscribing and paying to your order monthly, the full amount of that pay and staff-allowance of which you have in this extraordinary manner been deprived.

As your conduct on the occasion alluded to is exactly conformable to what the undersigned, if placed in your situation, would have pursued, they cannot avoid making your cause their own, and under existing circumstances such mutual support must be expected and accepted by all who like yourself have or may suffer through any such exceptionable measures on the part of the civil Government of Fort St. George as have rendered necessary the painful step we have now taken.

True Copy,

(Signed) A. FALCONAR,
Secretary to Government.

(No. 7.) Paper of Authorities submitted by the Judge Advocate General.

The great question at present with the Army seems to be, how far an Officer is justifiable in yielding obedience to illegal demands. It is to be regretted that this should ever have become a question in an English Army, for I always regarded it as a principle long settled by our Laws, and by the very nature of our Constitution itself.

But in order that there may be on record so full an examination of this point as may supersede the necessity of any farther discussion, I shall here collect such legal authorities as have come before me, in reference to it; for as the question, if I am rightly informed, has been but seldom or never brought before the Courts of Justice, no direct decision is to be found in regard to it, but the one already quoted by me in my Letter of the 20th February last.

De Lolme has remarked, as one of the leading features of the English Constitution, the astonishing subordination in which the Military is kept to the Civil Power: "All Courts of a "Military kind are under a constant subordination to the ordinary Courts of Law. Officers "who have abused their private power, though only in regard to their own soldiers, may be "called to account before a Court of Common Law, and compelled to make proper satisfaction. Even any flagrant abuse of authority committed by Members of Courts Martial, "when sitting to judge their own people, and determine upon cases of a bare Military kind, "makes them liable to the animadversion of the Civil Judge. To the above facts, concerning "the pre-eminence of the Civil over the Military Power at large, it is needless to add, that "all offences committed by persons of the Military profession, in regard to individuals "belonging to the other classes of the people, are to be determined upon by the Civil Judge. "Any use they may make of their forces, unless expressly applied to and directed by the "Civil

" Civil Magiſtrate, let the occaſion be what it may, makes them liable to be convicted of " murder for any life that may have been loſt;—pleading the duties or cuſtoms of their pro- " feſſion in extenuation of any offence, is a plea which the Judge will not ſo much as " underſtand (P. 463.)

Thus we ſee that the deciſion of their own Courts is under that of the Civil; the abuſes done in regard to their own men puniſhable by the Civil Judge; and any plea, as to the duties of the profeſſion in extenuation of any crime, totally diſregarded.

The King is in England conſidered as the Commander in Chief or Generaliſſimo of the forces. He is the head of the Army; the whole Military authority flows from him: But " ſup- " poſe (ſays an Author of the firſt authority) that an officer of the Crown, under the colour of " the King's Command, ſhould iſſue commiſſions, contrary to the Bill of Rights, to raiſe an " Army in time of peace, without the conſent of Parliament, and engaging a faction in the " ſcheme, ſhould aſſemble troops together, procuring loans from the people by the terror of " them, what would the offence be deemed;" the Author anſwers, " it cannot be extravagant " to affirm that it is unlawful, and even treaſonable, to take up arms by warrant from the King's " Perſon againſt his Authority; the producing of a paper under the King's Signet, which " might be called the warrant, is no juſtification; the Law not only conſtrues it to be void, " but ſuppoſes it is not the royal act, nor will receive it in evidence;* and if ſufficient overt " acts can be fixed upon this officer as the inſtrument to execute the purport of it." Such being the wiſdom of the Conſtitution, as, when † he has inveſted the Crown with the largeſt powers of action, to make the " inſtruments and organs of thoſe powers account for the " abuſe or the exceeding of them at their own peril; and thus they become a kind of con- " trol in the very exerciſe." (Conſiderations on the Law of Forfeiture, 112, aſcribed to Lord Chancellor Yorke.)

* *Quere.*

† *Quere.*

The principle is ſo well underſtood in England, that the commands of a ſuperior Officer is no juſtification for a violation of the Law, that an excuſe of that kind, is never attempted. The higheſt Military Officer ſinks into a private Citizen in the preſence of a Civil Magiſtrate of a petty borough; and ſhall it then be admitted that the Government of this country, in whom the whole Civil and Military authority is veſted by expreſs Law, ſhall be reſiſted with impunity? The Law is ſurely as much to be obeyed in this country as in England; for where the political Eſtabliſhment places one officer in authority over another, the obedience of the inferior is only obedience to the Law.

The principle of obedience which officers owe to their Military ſuperiors may be ſtated with the following limitations; for it would be very dangerous on the one hand to admit of unlimited obedience, and very inconvenient on the other to encourage officers to diſpute the authority of their ſuperiors. I ſhall therefore adopt the following poſition, as containing the legal notion of the obedience due to the order of a ſuperior officer. " The order muſt " be ſuch as falls within the bounds of the officer's commiſſion, and known cuſtomary line of " duty; and though given in his proper department, it muſt further be at leaſt an excuſable " order, or of that nature as to be the ſubject of different opinions, not a plain injury and " aggreſſion on his part." Hume's Criminal Law, Vol. I. p. 54.

In general it is dangerous to admit that a ſimple doubt may diſpenſe with obedience to a lawful ſuperior; and it ſuffices to grant this diſpenſation in caſes where the injuſtice of command *is evident and undeniable.* It is juſt, where that is doubtful, that the preſumption ſhould be in favour of the ſuperior." Barbeyrac's Notes on Grotius, B. II. chap. xxvi.

Now to apply theſe principles to the caſe of the Adjutant General and Deputy. It ought to have been obvious to theſe officers that General Macdowall exceeded the bounds of his authority in offering violence to the orders of that power which had been placed over him by the expreſs law of his country; and whoſe orders he was bound by his commiſſion to obey. They could not here plead ignorance of the law, or the orders of Government; (which muſt always be taken for law by our Army) for the former order of Government, directing the releaſe of the Quarter Maſter General from arreſt had ſufficiently declared it. They muſt have been ſenſible that the order of the Commander in Chief was meant as an outrage againſt the authority of the Government. They muſt have been ſenſible that it was meant as an inſult, and degradation of that authority which protected the Quarter Maſter General. They ought to have felt that Government would, in the like manner, have protected them in the legal diſcharge of their office, and in their declining to ſign or iſſue a paper calculated to produce the miſchiefs which it has too effectually done.

It is a principle in every country, without any exception whatever, that no one ſhall be allowed to juſtify that which the law condemns. A man ſhall not juſtify that which on the face of it is a crime. He ſhall not juſtify murder; though he may give the particular circumſtances in evidence; ſuch as provocation, ſudden paſſion, accident, or the like; and allow the effect of theſe alleviating circumſtances to be determined by the Judge or Court. The ſame principle we have ſeen applied to the acts of the general Government of this country. In caſes where they have been obliged to infringe upon an Act of Parliament they have never attempted to juſtify the act, or to ſay that they had a right to violate the public law, but have ſtated the circumſtances of the caſe under which they had been obliged to act, and prayed for a bill of indemnification; as was the caſe with Mr. Haſtings, in his contentions with the Supreme Court; and latterly with Lord Cornwallis, in his coming round to Madras to aſſume the command of the Army, during the period of the war with Tippoo. In both of theſe caſes a bill of indemnification was given by Parliament.

(Signed) J. LEITH.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

(No 8.) General Gowdie's Circular Letter on the subject of the Address to Major Boles,

To the officer commanding the division.

(Circular.)

Sir,

IT having come to my knowledge that papers of a very improper nature are in circulation amongst the officers of the Army, regarding the suspension of Major Boles from the situation of Deputy Adjutant General of the Army, in consequence of his having affixed his signature to the General Order of the 28th January last; and as the circumstance has not come before me, in any public or authenticated form, I am induced to notice it to you in this way, rather than through the channel of a general order.

The paper in question, if I am rightly informed, has for one of its objects the collection of a subscription for the relief of Major Boles, a circumstance which as Commander of the Army I could take no interest in, as officers may apply their money for the benefit of whom they please, did it not at the same time, if I am rightly informed, intimate an intention of supporting all others who may in like manner fall under the displeasure of Government, and imply also a justification of the principle upon which Major Boles acted.

It is impossible for the Commander of an English Army to take a passive part whilst such things are transacting amongst those under his command; as these officers, by placing their principles in direct opposition to that of Government, and holding out a security and indemnity, in fact encourage disobedience and revolt, in so far as it is possible for them to do.

It were needless for me to explain to a person of your experience, that an officer under an English Government can only be justifiable in obeying a legal order; and that the order in question was of a nature calculated to excite sedition in the Army, and as such unjustifiable and illegal on the face of it, and ought accordingly to have been declined by every well-informed officer. Major Boles must be supposed from his station to have known that the Governor and Council of Fort St. George are not only the civil, but, by the express enactment of the British Legislature, the Military Government also of the country; the whole Civil and Military Government of the Presidency of Fort St. George being vested in a Governor and three Councillors by the Act of 1793.

Although it can never be proper to accustom officers to hesitate as to obeying the usual commands of their superiors, yet this principle, if not limited by Law would in its operation tend to the subversion of all Government, and put it in the power of any desperate leader, by indemnifying all under him, to issue what orders and do what acts he chose. But fortunately the principle is sufficiently understood in an English Army that the military state is subordinate to the civil; and that where there is no right to command, there can be no duty to obey. As I deprecate the discussion in public orders of odious and delicate questions, and as I am unwilling to publish any General Order on a subject so perfectly understood (and which but for the prejudices of the moment could never be mistaken) I chose rather to trust to your discretion, that you will exercise the influence of your situation in explaining to those under your command the impropriety of their conduct in thus giving circulation to sentiments of such unfounded and pernicious tendency as are said to be found in that paper regarding Major Boles, and which, I am much afraid, may be attended with very serious consequences to those who have been so ill advised as to affix their signatures to it, for when a paper of this or of any other factious nature comes before me, I can have no difficulty in advising Government how to dispose of the authors of it.

As compassion for Major Boles may have drawn in the officers to this measure, I think it proper here to explain, that Major Boles has in my opinion deprived himself of any particular claim to feelings of that nature. It had never been, I was persuaded, the intention of Government to deal severely with that officer, but only to vindicate that respect due to their own authority which every Government must be anxious to maintain; and accordingly (but without any instructions to that effect) soon after my succeeding to the command, I took the occasion to signify to Major Boles, that if he would express any adequate regret for what he had done, as, that when he affixed his signature to the Order he was he was not aware of the consequences and thought he was acting right, without meaning any offence to Government, but was now sorry for what had happened, I would make it my business to get him reinstated in his rank and official situation. But this explanation, so natural to have been expected, and which included in it no personal concession of character, was rejected, (and not without some warmth) by his exclaiming that he was sorry for nothing that had happened, or words to that effect.

I beg to call your attention to the following extract of a General Order by this Government of 30th December 1799, by which you will perceive the restrictions to which the circulation of Addresses to the Army has been limited.

" His Lordship in Council also prohibits, under the strongest injunctions, the publication " in future of any Addresses to the Army, or to any Division of it by any person or persons " whatever, without the previous sanction of his Lordship, or of the Governor General in " Council."

I have to rely on your discretion that you will adopt the means suitable to the occasion for the discouragement and prevention of the Address above alluded to, or of any other of a similar description in the Division under your charge.

(Signed) FRANCIS GOWDIE,
Major General commanding.

(No. 9.)—Letter from Captain Grant to Lieutenant-Colonel Barclay.

(Private) Camp, 19th March 1809. [No. 2. A]

Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

My dear Barclay,

It is impossible for me, perhaps, to state, in a full and satisfactory manner, all that might be said on the subject which induces me now to communicate with you; but even were it possible, it might be little attended to, and probably considered superfluous.

I shall therefore only touch upon my own situation, and act that part which my own judgment dictates.

I have the honour of commanding the body-guard of the honourable Sir G. Barlow, and have for years held that appointment with pride, pleasure, and honour.

I am, I trust, as much alive to the fortunate distinction which has attended me in this and in other situations in the service as it is possible for any soldier to feel, and equally anxious to continue deserving of honour and reputation as any officer in any service.

Under such impressions I now address you. That it is done with pain, and with extreme reluctance, you will at once credit, when I acquaint you, that it is my determination to resign the command of the body-guard.

My feelings towards this corps can only be known to myself; and I shall not attempt an impossibility, by a vain endeavour to convey to others what never can be conceived by them. I can, however, assure you, that I have not written thus far without both a pang and a tear.

It is due to my own character that I should explain my reasons for this measure; and I request that they may be communicated to the honourable Sir G. Barlow.

You must, as well as every other officer, be informed of the agitation which at present is general throughout the service, and at the same time acquainted with the causes which have given rise to so much discussion.

It is no part of my duty to enter into them at present, further than respects my own character and conduct upon the occasion. This I have ever held sacred, and maintained pure from every tinge, even of distant suspicion.

Anxious and resolved to pursue the same course, I decline retaining a situation which, it may be stated, is at variance with my conduct, as I have this day subscribed my name to a Letter addressed to Major Boles by a great many distinguished and able officers, who feel equally interested and concerned at the situation in which he is placed, and at the reasons which have been assigned for this measure.

I have done this upon principle, and upon principle I shall support it.

There are men who might subscribe to the Letter I have mentioned, and still retain a situation of some trifling emolument; such is not the line of conduct I wish to pursue; yet no man is more desirous than myself to fulfil all his duties, and none, I presume to state, more ready or willing to evince every honourable feeling of zeal and ardour for his own reputation, and the glory of his country.

I enclose a Copy of the Letter to which I have alluded, in order that you may possess full information on this subject.

My resignation of the body-guard proceeds by this day's Tappall to Madras.

Your ever sincerely,

Major Barclay, (Signed) J. GRANT.
Military Secretary, &c. &c. &c.
Fort-Saint George.

(A true Copy.)
(Signed) A. FALCONAR.
Chief Secretary to Government.

(No. 10.)—Further Replies to Major General Gowdie's Circular Letters, of the 5th of March and 10th April.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

I HAVE to request that the enclosed Papers A. B. and Nos. 1, 2, 3, and 4, may be laid before the Honourable the Governor in Council with the least possible delay, indeed I am anxious that it should be done immediately.

I have the honour to be, Sir,
Your very obedient Servant,

Commander in Chief's Garden,
28th April 1809. FRAN^s. GOWDIE, M. Gl. Comm.

Lieutenant Colonel Davis, Commanding in Mysore.

Sir,

I HAVE the honour to report that your Letter of the 20th ultimo, with Copy of that from the Supreme Government, has been communicated to the several officers commanding corps under my orders.

Major General Gowdie's Letter of the 5th March has likewise been communicated to the heads of corps.

I have the honour to transmit No. 1, Copy of my Letter, and Nos. 2, 3, and 4, Letters in reply.

I submit to you the propriety of their being forwarded to the officer commanding the Army.

(Signed) J. CUPPAGE,
Head Quarters, at Cannanore, Lieut. Col. Comm. in Malabar and Kanara.
17th April 1809.

[No. 2. A.]
Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

To Major General Gowdie, Commanding the Army in Chief.

Sir,

I HAD the honour of addreſſing a Letter to you on the 26th March laſt, in reply to your Letter under date the 5th of that month, in which I communicated to you the ſteps I had adopted in the execution of your commands on the ſubject of Memorials and Addreſſes of an improper nature, which are ſaid to be in circulation throughout the Army. I alſo had then the honour of tranſmitting to you a Copy of my Inſtructions to commanding officers of ſtations, &c. ſubject to my authority.

I yeſterday received from Lieutenant Colonel Cuppage, commanding the Provinces of Malabar and Canara, a Letter under date 7th inſtant, with accompaniments as therein enumerated, and deeming it expedient that you ſhould be made acquainted with the contents of theſe Letters, I do myſelf the honour of ſubmitting them to you, together with a Copy of Lieutenant Colonel Cuppage's Letter.

I have, &c. &c. &c.
(Signed) HENRY DAVIS,
Lieut. Colonel Comm. Myſore.

Bangalore,
24th April 1809.

(A true Copy.)
(Signed) JOHN VERNON,
Military Sec. to the Comm. in Chief.

To the Officer Commanding the detach: of His Majeſty's 80th regt.
Officer Commanding 2d batt. 22d regt. at Tellichery.
Officer Commanding at Cannanore, and the
Officer Commanding the 1ſt batt. 5th regt. &c. Mangalore.

Gentlemen,

I HAVE the honour to tranſmit a Letter from the officer commanding Myſore, with accompanying Paper therein mentioned.

You will pleaſe to convene the officers under your command, and make known to them the contents of both Papers.

I require your particular attention to the ſecond and laſt paragraph of Lieut. Colonel Davis's Letter, and it is my duty to require and call on you to ſuppreſs and immediately report to me, if it comes to your knowledge, that any ſuch Addreſs as therein alluded to is in circulation.

This Paper, with the accompanying, to be ſent in the following order, and is to be returned by Lieut. Colonel Ogg, commanding the Provinces, Major Stuart, Major De Morgan, Captain Simond, and Lieut. Colonel Ogg; each Officer to ſign this Letter as an acknowledgment of the receipt of it.

(Signed) J. CUPPAGE,
Lieut. Col. Comm. in Malabar and Canara.

Head Quarters, Camp at Paroor,
30th March 1809.

To the Officer Commanding the Provinces of Malabar and Canara.

Sir,

Para. 1. The receipt of your Letter, with that of the officer commanding the Army of Myſore, and Extract of the Governor General's Letter to the Honourable the Governor in Council, Fort-St. George, I have the honour to acknowledge, and requeſt your opinion and deciſion upon the following points for my guidance, as the extent and definition of the reſponſibility impoſed upon me, my judgment precludes my comprehending?

2. In caſe of the whole body feeling aggrieved, in what manner am I, as a member, to ſeek relief?

3. As I am directed to ſuppreſs the circulation of Addreſſes, am I to conſider all Addreſſes improper, however reſpectfully and dutifully drawn up, that ſet forth hardſhips and grievances that both my honour and conſcience allow to be ſuch, the redreſſing and removing of which I may conceive conſcientiouſly neceſſary, both for the honour of my profeſſion and the good of my employment?

4. I alſo feel it a duty to expreſs my deep concern, that ſentiments ſo diſhonourable to officers, as that of an improper and ſeditious ſpirit prevailing among them, of which officers at the heads of corps are called upon to ſuppreſs, ſhould be entertained and expreſſed by the officer commanding the Army. That ſome late proceedings have rouſed the feelings of the Army, and occaſioned moſt painful ſenſations in the breaſts of almoſt every individual, cannot be denied; and the ſmothering of ſentiments on matters involving their deepeſt intereſt, by ſubjects of a free and moſt liberal nation, is ſcarcely poſſible.

5. In concurrence with the officer commanding the Army, and with thoſe under whoſe command I am placed, I ſhall feel it my duty, as my ſituation demands, to cultivate that diſcipline, good order, and ſubordination, with thoſe placed under my command, and which will be my duty to preſerve to the utmoſt of my power; but the nature of the reſponſibility put upon officers commanding corps, &c. in the officer commanding the Army's Letter, is to me ſo indefinite that I muſt beg leave further to requeſt information, whether I am to refuſe receiving Addreſſes from thoſe under my command, that may be to the ſetting forth grievances; and in what way am I, who may, in conjunction with them, feel the exiſtence of ſuch, to proceed in ſeeking relief.

6. I have taken the liberty of thus expreſſing my ſentiments, and aſſure you I ſhould be the

the laſt to ſanction any thing that may ſtrike me as bearing the ſpirit of inſubordination; but as my judgment of theſe points may differ with that of my ſuperiors, I humbly hope I ſhall be juſtified in having ſubmitted them to you.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

7. I cannot conclude without obſerving, as one of the officers who ſigned the Charges againſt the Quarter Maſter General, as a duty I owe both to myſelf and our late Commander in Chief, Lieutenant General Hay Macdowall, that I never knew, what I believe is ſtated in the Governor General's Letter, "that the officers who ſubſcribed to them had deſired, in conſequence of the Judge Advocate General's opinion, that they might be withdrawn or ſuppreſſed," but quite the reverſe.

(Signed) J. D. MORGAN,
Commanding 2d batt. 22d regt.
and ſenior officer, Tellicherry.

Tellicherry, 14th April 1809.

To the Major General of Brigade, &c. &c. Cananore.

Sir,

I HAVE the honour to acknowledge the receipt of your ſecret Letter of the 11th inſtant, with Encloſure from the Commander in Chief, dated 5th March 1809.

I beg leave to aſſure the Officer Commanding the Provinces, that I have not ſigned the Addreſs alluded to by the Commander in Chief; and that I am poſitively ignorant of any officer under my command having done ſo.

That I conſider it as a ſolemn and ſacred duty, not only to refrain from participating in Addreſſes of ſo dangerous a tendency, but alſo to uſe every exertion in my power to prevent all perſons under my command from doing ſo.

(Signed) S. W. OGG,
Lieut. Col. Com. 1ſt bat. 5th regt.

To Captain Snow, Brigade Major to the Troops in Malabar.

Sir,

I HAVE to acknowledge your's of the date 30th March, covering three communications from the Supreme Government from Lieutenant Colonel Davis, and Lieutenant Colonel Cuppage. I convened the officers in obedience to the Order.

I have the honour to aſſure the Commanding Officer, that the officers of the 80th are as ardently attached to ſubordination and reſpect to Authority as any *body* in the Army. No diſloyal papers have been tranſmitted to them to my knowledge; and if any ſuch were to be tranſmitted they would only need to be explained to be generally ſcouted.

I ſhall conduct myſelf according to the Order received.

(Signed) S. A. STUART,
Major Com. detach. H. M. 80th regt.

(No. 11.)—Further Replies to Major General Gowdie's Circular Letters of the 5th March and 10th April.

To his Excellency Major General Gowdie, Commanding the Army.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 10th inſtant, which every officer under my orders ſhall be made fully acquainted with.

It is my duty to communicate that I know a Letter was addreſſed to Major Boles, propoſing to make him an allowance during his ſuſpenſion; but I can give every aſſurance that that Letter ſpake not of, or applied, to *any other officer at preſent or hereafter.*

The Letter ſtates, "that the officers who ſubſcribe to it preſume not to inveſtigate the "motives of Government in its conduct towards Major Boles, or to queſtion the policy of "a meaſure they do not profeſs to underſtand."

A Letter thus prefaced, I ſhould hope, will not appear to carry with it any thing objectionable, if it had, I am ſatisfied nothing would have induced the officers who have ſubſcribed to have given the ſanction of their names.

I have the honour to be,
Your Excellency's very obedient humble ſervant,
(Signed) J. CUPPAGE,
Lieut. Col. Commanding in Malabar and Canara.

(A true Copy.)
(Signed) FRANCIS GOWDIE,
Major General.

Cananore, 19th November 1808.

To Major General Gowdie, Commanding the Army in Chief.

Sir,

Bellary, 19th April 1809.

I HAVE the honour to acknowledge the receipt of your Letter dated the 11th inſtant, ſtating that it had come to your knowledge, that papers of a moſt improper nature are in circulation amongſt the officers of the Army, regarding the ſuſpenſion of Major Boles from the ſituation of Deputy Adjutant General of the Army, and entering at large into the circumſtances connected with the unfortunate cauſe which produced that meaſure.

In ſupport of this unpleaſant ſubject, the perſpicuity of argument, and reaſoning ſo found, ſet forth in your Letter, left nothing for me to add, but to convey the contents in the manner beſt calculated to impreſs thoſe under my command with its importance. And for this purpoſe I aſſembled the officers commanding, or in charge of corps, at this ſtation, and perſonally

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

ally communicated to them your Letter, with my own sentiments, and determination to guard and support by the most rigid and decided conduct, the principles of the authority committed to my charge; leaving nothing unsaid that could tend to excite the active exertions of their vigilance and influence towards the same end. And like measures have been equally forcibly adopted in the circulation of copies of your Letter to the subordinate stations of this division.

The Paper or Address in question, did not, I am confident, originate or obtain circulation from this place; and I can moreover say, that it has not been received here. It is on this occasion, a justice deservedly due to the officers at Bellary, and my duty to state, that no part of their conduct, their sentiments, either public or private, that have ever come to my knowledge or hearing, which were in any way derogatory to the strictest subordination. And though I cannot presume to say what the force of evil example has or may hereafter produce, still I have no hesitation in declaring, the present natural temper and disposition of the officers at this station (containing three corps) have never evinced the slightest appearance of any feeling inconsistent with their dignity as officers; at the same time, the recent unfortunate events which occurred to agitate and disturb the public mind are subjects of serious regret to them.

(Signed) J. PATER,
Major General in Charge of the Ceded Districts.

To Major General Gowdie, Commanding the Army in Chief.

Sir, Fort St. George.

I HAVE the honour to acknowledge the receipt of your Letter of the 10th instant, the contents of which I have communicated to the officers of this force; and I shall attend as far as lies in my power to the injunctions contained therein.

(Signed) J. M. CHALMERS,
Camp Quilon, 24th April 1809. Lieut. Col. Commanding I. F.

(A true Copy.)
(Signed) F. GOWDIE.

To Major General Gowdie, Commanding the Army in Chief, &c. &c. &c.

Sir, Narsapoor, 21st April 1809.

I HAVE the honour to acknowledge the receipt of your Letter under date the 10th inst.

I have already had the honour of communicating to you my determination to exert myself for the suppression of and discountenancing any Memorials or Addresses of an improper nature which may come to my knowledge are in circulation in the division of the Army under my command; and I need only now to add, that the circumstances communicated in your Letter of the 10th instant shall meet my serious attention.

I have the honour to be, &c. &c.
(Signed) HENRY DAVIS.
Lieut. Col. Commanding Mysore.

No. 4.—Copy of a GENERAL ORDER by Government;

Fort St. George, the 1st May 1809.

(Secret Department.)

General Orders by the honourable the Governor in Council.

THE zeal and discipline by which the Military Establishment of Fort St. George had long been distinguished induced the Governor in Council to expect that the measures which the violent and intemperate acts of the late Commander in Chief had imposed on the Government, would be received by all the officers of the Army with the sentiments of respect and obedience prescribed by the principles of Military subordination, and due to the Government by which those measures were adopted, as well as to the authorities to which they were ultimately referred. The Governor in Council has however learned with a degree of surprise proportionate to the confidence which he reposed in the discipline of the Army, that soon after the departure of the late Commander in Chief proceedings of the most unjustifiable nature, and correspondent to the example which he had afforded, were pursued by certain officers of the Army. The most reprehensible of those proceedings consisted in the preparation of a Paper, addressed to the right honourable the Governor General, purporting to be a Remonstrance in the name of the Army, against the acts of the Government under which it serves. That Paper is not more hostile to the authority of this Government than to the first principles of all Governments. It maintains opinions directly adverse to the constitution of the British Service, and is calculated to destroy every foundation of discipline, obedience and fidelity. The secrecy observed in preparing this seditious Paper prevented for some time the discovery of the persons engaged in that proceeding; but it has been now ascertained that Captain Josiah Marshall, late Secretary to the Military Board, and Lieutenant Colonel George Martin, lately permitted to proceed to England, were principally concerned in preparing and circulating the Memorial in question; and that Lieutenant Colonel the honourable Arthur St. Leger, was active in promoting its circulation, employing the influence which he derived from the important command confided to him by Government, for the purpose of attempting the subversion of its authority, and spreading disaffection among the troops which it

[No. 2 A.]
Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

it had intrusted to his charge. It has also been ascertained that Major J. de Morgan has been active in the circulation of the Memorial.

The Governor in Council is also under the necessity of noticing another Paper of a most dangerous tendency lately in circulation at some of the Military stations, purporting to be an Address from the officers of the Army to Major Boles, the late Deputy Adjutant General. In this Address a right is assumed to decide on the acts of the Government, by condemning in unqualified terms the sentence of suspension passed on Major Boles; and an encouragement is held out to other officers to violate their duty to the Government, by affording a pecuniary indemnification not only to Major Boles but to all such officers as shall suffer by any act of Government which the subscribers to the Address may deem exceptionable. This Paper, so incompatible with the Military character, and so repugnant to the fundamental principles of Military discipline, and Government, was forced on the attention of the Governor by Captain James Grant, Commandant of his Body-Guard, who, while holding that confidential situation, and employed by order of the Governor in Council under the Resident at Travancore, transmitted a copy of the Paper to be laid before the Governor, with an avowal that he had affixed his Signature to it, and a defence of the grounds on which he adopted that proceeding.

It has also been ascertained that a Paper of a similar tendency has been circulated among the officers of the corps of Artillery at the Mount, and that its circulation has been promoted by Lieutenant Colonel Robert Bell, the officer commanding that corps.

The Governor in Council regrets that he is obliged to notice also the conduct of Lieutenant Colonel Chalmers (commanding in Travancore), and Lieutenant Colonel Cuppage (lately commanding in Malabar, and employed with the troops under his orders in Travancore) who appear to have taken no steps whatever, either to repress or report to the Government the improper proceedings pursued by part of the troops under their orders. It is not sufficient for officers holding commands to avoid a participation in such proceedings; it is their positive and indispensable duty to adopt the most decided measures for their suppression, and to report them to their superior authorities.

I has further been ascertained, that Captain J. M. Coombs, Assistant Quarter Master General in Mysore, has been concerned in these reprehensible proceedings.

It becomes the painful duty of the Governor in Council to mark with the displeasure of the Government the conduct of the above-mentioned officers, who have been engaged in a course of measures equally dangerous to the existence of discipline, to the foundations of legal Government, and to the interests of their country.

The undermentioned officers are accordingly declared to be suspended from the service of the honourable Company until the pleasure of the honourable the Court of Directors shall be known:

Lieutenant Colonel the honourable Arthur St. Leger.
Major John de Morgan.
Captain Josiah Marshall.
Captain James Grant.

Lieutenant Colonel Commandant Robert Bell is removed from all Military charge and command until the pleasure of the honourable the Court of Directors shall be known; but he is permitted to draw his regimental pay and allowances.

Lieutenant Colonel Commandant J. M. Chalmers is removed from the command of the Subsidiary Force in Travancore.

The undermentioned officers are removed from their Staff Appointments, and ordered to join the corps to which they stand attached.

Lieutenant Colonel John Cuppage,
Captain J. M. Coombs.

The Governor in Council considers it to be proper to avail himself of this occasion to correct a misapprehension highly dangerous in its tendency, which has arisen in the minds of some of the officers of the Army, with regard to the nature of the authority of the Governor in Council. This misapprehension appears to have originated in the General Order published by the late Commander in Chief on the 28th of January last; from which it might be inferred that the authority of the Governor in Council is only of a civil nature; whereas by the express enactment of the Legislature the entire Civil and Military Government of the Presidency of Fort St George, and its dependencies, is vested in the Governor in Council. It is therefore to be distinctly understood that no officer of whatever rank, while serving under the Presidency of Fort St. George, can, without incurring the penalties of disobedience to the Legislature of his country, issue any order in violation or to the derogation of the authority of the Government; and that every officer complying with an order of that description, under any pretence whatever, renders himself liable to the forfeiture of the service, and to such legal penalties as the nature of the case may demand.

While the Governor in Council deems it to be proper to afford the foregoing explanation he feels himself at the same time bound to acknowledge that the principles to which he has adverted had never been called in question until the publication of the above-mentioned order of the late Commander in Chief. On the contrary these principles had been invariably acted upon by the Government, and by the officers of the Army of this Presidency, who have been no less distinguished for their obedience and discipline than for their achievements in the field. The Governor in Council also experiences the most sincere satisfaction in publishing his conviction that the majority of the Army have resisted all participation in the improper and dangerous proceedings described in this order; and it is an act of justice to the troops of His Majesty's service to declare his entire approbation of the order, discipline, and

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

ſteady adherence to duty, which they have invariably manifeſted. The information before the Government does not enable the Governor in Council to diſtinguiſh by the expreſſion of his approbation all the troops of the Company's ſervice that have manifeſted the ſame diſpoſitions; but he deems it to be proper to notice on this occaſion the ſatisfactory and exemplary conduct of the part of the Army compoſing the Hyderabad Subſidiary Force. The Honourable the Governor in Council is alſo confident that ſuch officers as have inadvertently yielded to the miſrepreſentations of individuals, who have been engaged in the proſecution of deſigns equally fatal to the honour and to the intereſts of the Army, will in future manifeſt in the ſervice of the Government the obedience, fidelity, and zeal which conſtitute the firſt principles of their profeſſion, which have hitherto diſtinguiſhed the Army, and which are indiſpenſable to the proſperity of the Britiſh empire in India.

By order of the Honourable the Governor in Council.

(Signed) A. FALCONAR, Chief Sec. to Gov.

(No. 5.)—Copy of a GENERAL ORDER by Government, 1ſt May 1809.

G. O. By Government, Fort St. George.

THE Honourable the Governor in Council has been pleaſed to make the following appointments.

Major J. H. S. Conway to be Adjutant General of the Army, with the official rank of Lieutenant Colonel, vice Cuppage.

Captain P. V. Agnew to be Deputy Adjutant General of the Army, with the official rank of Major, vice Conway.

Lieutenant Colonel Tredway Clarke to be Commandant of Artillery, with the ſtaff-allowance attached to that ſtation, and a ſeat at the Military Board, vice Bell.

Major Sir John Sinclair, Baronet, to be Commiſſary of Stores in charge of the Arſenal of Fort St. George; vice Clarke.

Lieutenant A. E. Patullo to command the Honourable the Governor's body-guard, vice Grant.

Captain John Doveton, of the 7th regiment Native Cavalry, to be Paymaſter at Vizagapatam, vice Marſhall.

The following officers who have been ſuſpended from the ſervice of the Honourable Company, until the pleaſure of the Court of Directors ſhall be known, are directed to hold themſelves in readineſs to proceed to England, by ſuch opportunities as the Honourable the Governor in Council may think proper to point out, viz.

Lieutenant Colonel the Honourable Arthur St. Leger,
Major Thomas Boles,
Major John de Morgan,
Captain Joſiah Marſhall,
Captain James Grant,

Lieutenant Colonel St. Leger is further directed to repair to the Preſidency without delay.

The Honourable the Governor having been pleaſed to appoint Lieutenant Colonel Henry Conran, of His Majeſty's Royal Regiment, to command the whole of the troops compoſing the Garriſon of Fort St. George, the Governor in Council directs that Colonel Conran ſhall be conſidered to be entitled to the ſame allowances as other officers holding commands under the appointment of the Governor in Council.

By order of the Honourable the Governor in Council.

(Signed) A. FALCONAR, Chief Sec. to Gov.

No. 6.—Copy of a Letter to the Officer Commanding the Army in Chief; 1ſt May 1809.
To Major General Gowdie, Commanding the Army in Chief.

(Military Department.)

Sir,

Para. 1. I AM directed by the honourable the Governor in Council to communicate to you, in addition to the General Orders of this date, his requeſt that you will ſuperſede in the command of their battalions the undermentioned officers, who have not exerted themſelves in maintaining order and diſcipline in their reſpective corps; with ſuch others as your information may induce you to conſider as improper perſons to be intruſted at the preſent moment with the charge of corps.

Captain Smith,	2d	battalion	14th	regiment.
Major Keaſbury,	2d	ditto	9th	ditto.
Major Muirhead,	2d	ditto	18th	ditto.
Major Hazlewood,	1ſt	ditto	24th	ditto.

2. I am alſo directed to requeſt that you will be pleaſed to remove Lieutenant Colonel Rumley to the 7th Regiment of Native Cavalry at Arcot, his conduct in the command of the Cantonment at Bangalore having for ſome time paſt been unſatisfactory.

3. I am likewiſe directed to acquaint you, that it is the intention of the Governor in Council to recommend to the honourable the Court of Directors to diſmiſs Lieutenant Colonel George Martin from the ſervice of the honourable Company.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) A. FALCONAR,
Chief Secretary to Government.

Fort St. George, 1ſt May 1809.

No. 7.—Extract from the Minutes of Conſultation in the Secret Department; dated 21ſt April 1809. [No. 2. A.]

Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

(Secret Department.)

THE Preſident propoſes, that for reaſons which he will ſtate at a future meeting, the following Letter be diſpatched to the Officer commanding at Vizagapatam:—

To Lieutenant Colonel Aiſkill, or Officer commanding at Vizagapatam.

Sir,

I AM directed to acquaint you, that it having been aſcertained that Captain Joſiah Marſhall was principally concerned in preparing and circulating to ſeveral of the ſtations of the Army, a ſeditious Paper, purporting to be a Memorial from the officers of the Army on the Eſtabliſhment of Fort St. George, to the Right honourable the Governor General, it is intended that Captain Marſhall ſhall be ſuſpended from the ſervice of the honourable Company, and required to embark on one of the honourable Company's ſhips, which will ſhortly touch at Vizagapatam on her way to Bengal, from whence Captain Marſhall will be ordered to proceed to England on the fleet which will ſail in the month of June next; you are directed to communicate to Captain Marſhall, notice of his intended ſuſpenſion from the ſervice, and require him to embark on the ſhip which will be ordered to receive him at Vizagapatam.

You are authorized to receive charge of Captain Marſhall's office of Paymaſter at Vizagapatam, until an arrangement can be made for the conduct of the duties of that office.

I am, Sir,

Fort St. George, 21ſt April 1809. Your moſt obedient Servant,

(Signed) A. FALCONAR,

Chief Secretary to Government.

No. 8.—Copy of a Letter to the Officer commanding at Vizagapatam; 1ſt May 1809.

To Lieutenant Colonel Francis Aiſkill, or Officer commanding Vizagapatam.

Sir,

YOU are hereby directed to cauſe Captain Joſiah Marſhall, late Paymaſter at Vizagapatam, who has been ſuſpended from the ſervice of the honourable Company, to embark on board the honourable Company's ſhip Aſia, Tremenheere, eſq. Commander, as ſoon as that veſſel ſhall arrive in Vizagapatam Roads.

Captain Tremenheere has been directed not to leave Vizagapatam Road until he ſhall have received Captain Marſhall on board his ſhip, and you will be held reſponſible for any delay that may occur in his embarkation.

I have the honour to be, &c. &c.

Fort St. George, 1ſt May 1809. (Signed) A. FALCONAR,

Chief Secretary to Government.

No. 9.—Copy of a Letter to the Commander of the Honourable Company's ſhip Aſia, 1ſt May 1809.

To Captain Tremenheere, commanding the honourable Company's ſhip Aſia, Madras Roads.

Sir,

I AM directed by the Honourable the Governor in Council, to deſire that on your arrival at Vizagapatam, you will receive Captain Joſiah Marſhall, late Paymaſter at that ſtation, who has been ſuſpended from the ſervice of the Honourable Company, and convey him to Bengal.

On your arrival there, you will wait the orders of the Governor General in Council regarding Captain Marſhall, who is not to be permitted to leave your ſhip until you ſhall have received the Orders of the Supreme Government for that purpoſe.

You will not proceed on your voyage from Vizagapatam until you ſhall have received Captain Marſhall on board your ſhip.

I have the honour to be, &c. &c. &c.

Fort St. George, 1ſt May 1809. (Signed) A. FALCONAR,

Chief Secretary to Government.

No. 10.—Copy of a Letter to the Officer commanding the Southern Diviſion of the Army, 1ſt May 1809.

To Colonel Wilkinſon, commanding the Southern Diviſion of the Army, Trichinopoly.

Sir,

YOU are hereby directed to uſe your diſcretion in permitting Lieut. Colonel the Honourable Arthur St. Leger, who has been ſuſpended from the ſervice of the Honourable Company, and directed to hold himſelf in readineſs to proceed to England, to remain at Trichinopoly for a period not exceeding ten days, for the purpoſe of ſettling his private affairs.

I have the honour, &c. &c.

Fort St. George, 1ſt May 1809. (Signed) A. FALCONAR,

Chief Secretary to Government.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

No. 11.—Copy of a Letter from the Supreme Government, 1st May 1809.

To the Right Honourable Lord Minto, Governor General in Council.

My Lord,

WE have the honour to transmit to your Lordship in Council a copy of a Minute recorded by our President on the subject of two Papers, purporting to be a Memorial to your Lordship from the officers of the Army of this Establishment; and an Address to Major Boles, the late Deputy Adjutant General of the Army.

For our sentiments regarding these Papers, and the reprehensible proceedings connected with them, and for the steps which we have taken with respect to the officers principally concerned in these proceedings, and in preparing and promoting the circulation of the Papers in question, we beg leave to refer your Lordship in Council to the Minute of Sir George Barlow, and the Papers which accompany it, and to the General Orders which we have published on the occasion.

We trust that the measures which we have adopted for the vindication of the honour and authority of the Government, and for the maintenance of discipline and subordination in the Military branch of this establishment, will meet with the approbation of your Lordship in Council.

We have the honour, &c. &c.

Fort St. George, 1st May 1809. (Signed) G. H. BARLOW.
W. PETRIE,
J. OAKES.
J. H. CASAMAIJOR.

No. 12.—Copy of a Letter from Lieutenant-Colonel A. St. Leger, 26th April 1809: with an Enclosure.

To the Chief Secretary to Government, Fort St. George.

Sir,

I HAVE the honour to transmit, for the information of the honourable the Governor in Council, copy of a Letter, only received last night, although of date the 7th instant, and in consequence of which I shall lose no time in repairing to Trichinopoly.

That the Letter I have herewith the honour to enclose was intended by the honourable the Governor in Council to hurt my feelings I am fully satisfied; that he has succeeded I am unable to deny: but, although it may be in the power of the honourable the Governor in Council to wound my feelings, and degrade me from command, I am ignorant of any power or authority vested in him to annul that title to which my birth has elevated me, and of which your Letter above alluded to deprives me; a deprivation I never once experienced when from my services relief was expected from the apprehended dangers in Travancore.

As removal from command is generally conceived a punishment for an offence committed, I am relieved from much anxiety as to the cause of my removal, by having received officially the copy of a Letter addressed by the present Commander in Chief to the officer commanding in Travancore, respecting the expression of the general sense of the Army on the unfortunate situation of Major Boles, a paper to which I affixed my name, as being purely expressive of my sentiments on the subject to which it relates; and further, I have no hesitation to declare, that had I been appointed to sit as Member of a General Court Martial to investigate the conduct of Major Boles, as having refused to sign and publish the Orders of his immediate Commander in Chief, on a subject so purely military I should have awarded cashiering, as a punishment only adequate to such disobedience.

I cannot abstain from adding, in support of my sentiments on this subject, that I believe the first and only time that the obligation of an officer to obey in all cases the orders of his superiors became agitated before the House of Commons, was at the instigation of General Burgoyne, at the commencement of the *impeachment* of Mr. Hastings, when I believe it was admitted, that in cases where the Orders to be obeyed were of a treasonable nature, and in these cases only did the responsibility attach to the officers who executed the commands of his military superiors.

From a reference to the public Letters I have had the honour to receive from the honourable the Governor in Council during the whole of the period of my command of the detachment of troops serving in Travancore, I have been led to consider that my conduct had met the approbation of the Government of Fort St. George; and although removal from command in this degrading manner be the only mode adopted to reward or mark *that* approbation, I shall nevertheless at all times feel the purest gratification in exerting my best abilities for the good of that service to which I have had the honour to belong for nearly thirty years, and for whose respectability I must ever feel the warmest interest.

I have the honour, &c. &c.

Camp at Oodagherry, 26th April 1809. (Signed) A. ST. LEGER, Lieutenant-Colonel.

(Enclosure.)

To Lieutenant Colonel Macauly, resident in Travancore.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 13th May 1809.

Sir.

1. I AM directed to acknowledge the receipt of your Letter of the 28th ultimo, intimating that you had instructed Lieutenant Colonel St. Leger to proceed with the troops under his Command to Veedagherry, and that Lieutenant Colonel Chalmers has been directed to return to Quilon.

2. You will be pleased to instruct Lieutenant Colonel St. Leger to return to Trichinopoly, leaving at Veedagherry the force which you have been authorized to place in that Fortress.

3. The Governor in Council approves your application to Lieutenant Colonel St. Leger, for a small party of Cavalry consisting of a Havildar, Naick, and twelve troopers to serve as your escort.

I have the honour, &c. &c.

(Signed) A. FALCONAR.
Chief Secretary to Government.

Fort St. George, 7th April 1809.

No. 13.—Copy of a Letter to the officer commanding the Southern Division of the Army.

Colonel Wilkinson commanding the Southern Division of the Army, Trichinopoly.

Sir, 3d May. 1809.

1. I AM directed by the Honourable the Governor in Council to transmit for your information, copy of a Letter from Lieutenant Colonel the Honourable Arthur St. Leger, dated the 26th ultimo, and received yesterday.

2. I am also directed to inform you that in consequence of the Letter above mentioned the Governor in Council has thought proper to rescind his orders to you of the first instant, which left it at your discretion to allow Lieutenant-Colonel St. Leger to remain at Trichinopoly for a period not exceeding ten days; and also to rescind that part of the General Order of the 1st instant which directed that officer to repair to the Presidency, and to adopt the following Resolutions regarding him, which you are hereby required to see obeyed, viz.

1st. That Lieutenant-Colonel the honourable Arthur St. Leger shall not be permitted to visit Trichinipoly;

2d. That he shall be required to proceed from Pallamcottah, or Madura, according as the orders may reach him, to the sea-coast, and to proceed by that route as far as Sadras, from whence he is to repair with all practicable dispatch to Poonamalle; report his arrival to the officer commanding that station, and wait there for the further orders of Government, without coming nearer to the Presidency.

If Lieutenant Colonel St. Leger does not give his word of honour to the officer who may be intrusted by Colonel Wilkinson to communicate these orders to him at Palamcottah, Madura, or any other place, that he will conform to them in every respect, the officer making the communication, and who may not receive such an assurance from Lieutenant Colonel St. Leger, is to be required to send him under an escort by the prescribed route to Poonamallee.

4. That if Lieutenant Colonel St. Leger should by any accident arrive at Trichinopoly without having received these orders, he shall not be permitted to remain there above twelve hours; and if it shall appear that he has gone there, after having received a communication of these orders, he shall be sent to Poonamallee with an escort of European Infantry.

I am Sir,
your most obedient Servant,

(Signed) A. FALCONAR,
Chief Secretary to Government.

Fort St. George, 3d May 1809.

Fort St. George.—Secret Department.

[No. 2. A.] No. 1.—GENERAL LETTER, 6th September 1809.—Received per Ganges, 24th January 1810.

To the Honourable the Secret Committee of the Honourable the Court of Directors.

Honourable Sirs,

Gen. Letter, Secret Dep. 6th Sept. 1809.

Para. 1. YOUR Honourable Committee has been apprized of the reprehenſible proceedings of a large proportion of the officers of the Army of the Honourable Company, antecedent to the publication of our General Orders of the 1ſt of May laſt, and alſo of the ſentiments of the Supreme Government reſpecting thoſe proceedings and orders, as ſtated in their Letter to this Government, dated the 27th of the ſame month.

2. We are now preparing for tranſmiſſion to your Honourable Committee, by a ſea-conveyance, a full detail of the unprecedented events which have ſince occurred in the Army of this eſtabliſhment. In the mean time we have deemed it to be adviſable to tranſmit to you, by an over-land Diſpatch, the following ſummary account of thoſe events, and of the meaſures which we purſued with the ſupport of the authority of the Government; and for the ſecurity of the public intereſts.

3. No meaſures had been adopted by this Government, relating to the Army, ſubſequent to the publication of our Orders of the 1ſt of May, and we entertained a confident expectation that the examples of puniſhment announced in thoſe Orders would have ſuppreſſed the ſpirit of inſubordination which had manifeſted itſelf amongſt the officers of the Army.

4. We are concerned, however, to ſtate that theſe examples failed to produce the beneficial effects which we had every reaſon to expect from them; and that principles of inſubordination and ſedition continued to prevail among the Company's officers, if poſſible, with aggravated violence.

5. The officers of the Hydrabad Subſidiary Force, whoſe conduct had been favourably noticed in our Orders of the 1ſt of May, immediately on the receipt of thoſe Orders, publicly announced to the Army their participation in the ſentiments of the diſaffected officers, and intimated, in a threatening Letter tranſmitted by the poſt directly to our Preſident, their intention of ſeparating themſelves from the authority of this Government, unleſs we conſented to reſcind our General Orders of the 1ſt May. The garriſon of Maſulipatam, about the ſame time, broke out into open rebellion, and impriſoned their commanding officer.

6. Anxious to impreſs on the minds of the officers a ſenſe of the impropriety of their conduct, we publiſhed to the Army the Diſpatch from the Supreme Government, dated the 27th of May laſt, in which the reprehenſible nature of the conduct of the diſaffected officers was fully explained, and the meaſures adopted by this Government, in conſequence of that conduct, entirely approved. This ſolemn decition of the Supreme Authority in India, alſo proved ineffectual. The officers at Hydrabad, in proſecution of the determination which they had announced of throwing off the authority of the Government, refuſed, in a Paper addreſſed to the officer commanding the Subſidiary Forces, to permit the march of a battalion ordered from that ſtation to Goa, declaring that they might ſhortly have occaſion for its aſſiſtance to ſupport their cauſe. Thoſe officers, at the ſame time, publiſhed to the Army, and forwarded to this Government, a moſt ſeditious Paper, which they denominated their ultimatum; requiring, among other demands, a public revocation of our Orders of the 1ſt of May; the reſtoration of all officers who have been removed by this Government: and finally an amneſty for the whole Army. The garriſon of Maſulipatam had placed itſelf in a ſtate of open rebellion; the troops at Hydrabad and Seringapatam had followed their example; and an organized ſyſtem of combination for the purpoſe of ſubverting the authority of the Government by force of Arms, was eſtabliſhed throughout the greateſt part of the Company's Army of this Eſtabliſhment.

7. Theſe proceedings evinced that the diſaffected officers had been actuated by a determined ſpirit of revolt, and which it became indiſpenſably neceſſary to repreſs by the ſtrongeſt and moſt decided meaſures, in order to obviate the fatal conſequences which muſt have reſulted from it to the conſtitution and the authority of this Government,

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ment, as well as the other Governments in India. To have proſtrated the public authority by yielding to the menaces of a body of men in a ſtate of open rebellion, would have been a moſt criminal deſertion of our duty, and of the intereſts of our country committed to our charge.

8. We conſider it, therefore, to be incumbent on us to reſiſt every appearance of conceſſion to the threats of faction and ſedition, and we determined to employ the power and reſources at our diſpoſal for the reſtoration of ſubordination, and for the maintenance of the honour and authority of the Government.

9. With this view it became neceſſary to aſcertain the ſentiments and diſpoſition of all the officers of the Company's Army, that we might know to whom we could with ſafety intruſt the Arms of the State. A Letter was accordingly addreſſed on the 26th July to officers commanding the ſeveral Diviſions of the Army, directing them to require from the Company's officers a declaration upon honour, that they would obey the orders and ſupport the authority of the Government of Fort St. George, in conformity to the tenor of their commiſſions. The officers commanding the Diviſions were at the ſame time ordered to remove for a time from the exerciſe of their military functions ſuch officers as ſhould refuſe to ſubſcribe to the Declaration, placing other officers of His Majeſty's or the Honourable Company's Service in the charge of their corps. The officers ſo removed were directed to proceed and take up their reſidence at the different places on the ſea-coaſt, between Sadras and Negapatam. Every neceſſary precaution was taken to enſure the ſucceſsful execution of the meaſure, and it was carried into effect at moſt of the principal ſtations of the Army to the ſouthward of the River Kiſtnah.

10. By the adoption of this meaſure we ſecured the ſervices of a large proportion of our Native Army, and prevented the diſaffected officers from involving, by means of deluſion and miſrepreſentation, the corps under their command in the general combination and rebellion againſt the authority of the Government. The Native Troops, during the execution of theſe arrangements manifeſted the greateſt ſteadineſs and attachment to the State; and whenever an opportunity was offered of explaining to the Native Officers the ſituation of affairs, and the nature of their duty to the Government, they uniformly expreſſed their firm determination to adhere to their allegiance to the Company, and to obey ſuch officers as the Government might think proper to command them. In ſome few inſtances the Native Troops had been miſled by the miſrepreſentations of their guilty officers, but they generally ſoon diſcovered the deception, and manifeſted an anxious deſire to adhere to their duty to the Government.

11.—We ſhall here only add, that the plans of the diſaffected have been entirely defeated; that all the officers who were in open rebellion (excepting the officers at Jalnah, whoſe public ſubmiſſion we are informed by the Reſident at Hydrabad may be daily expected) have ſubmitted unconditionally to the authority of the Government, have ſigned the Declaration preſcribed by its Orders of the 26th of July, and have thrown themſelves on its mercy.

12.—We aſcribe the early and favourable termination of the late diſorders chiefly to the ſucceſsful reſult of the meaſure of the 26th of July, to the loyalty and diſcipline manifeſted by His Majeſty's troops, to the exemplary conduct and example of a conſiderable body of the moſt reſpectable of the Company's officers, to the fidelity generally evinced by the native officers and men, to the impreſſion made by the bodies of troops aſſembled in the vicinity of the Preſidency for the protection of the ſeat of Government, and at other commanding ſituations, and to the declared determination of the Government to employ all its power and reſources for the maintenance of its authority.

13.—It now only remains to reward thoſe officers who have faithfully diſcharged their duty to their country, to puniſh thoſe who have violated that duty; and to make ſuch arrangements as ſhall effectually guard the public intereſts againſt the recurrence of the dangers by which they have been aſſailed.

14.—We have judged it to be our duty to reſerve the conſideration of theſe important queſtions until the arrival of the Right honourable the Governor General, whoſe wiſdom will, we are perſuaded, adopt ſuch deciſions regarding them as will be beſt calculated to eſtabliſh the public authority and intereſts on the moſt ſecure and laſting foundations. We have the honour to be, with the greateſt reſpect,

Honourable Sirs,

Your faithful humble ſervants,

Fort St. George,
6th September 1809.

(Signed) G. H. BARLOW.
W. PETRIE.
J. OAKES.
JA. H. CASAMAJOR.

ENCLOSURES.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 6th Sept. 1809.

(No. 2.)—In Madras Secret Letter, of 6th September 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain 3d Auguſt 1809.

The honourable the Governor in Council having addreſſed the ſubjoined Orders to Major-General Gowdie, commanding the Army, to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

General Orders by the honourable the Governor in Council.

Fort St. George, 3d Auguſt 1809.

Para. 1. THE honourable the Governor in Council judges it proper to announce to the Native Troops, that the very improper conduct of ſome of the European officers of the Company's ſervice, and the refuſal of others to acknowledge their allegiance to the Government, have rendered it indiſpenſably neceſſary to remove, for a time, a conſiderable number of European officers from the exerciſe of authority.

2. This meaſure will not however affect, in any reſpect, the ſituation of the Native Troops, who muſt know that their firſt duty is to the Government which they ſerve, and from which all authority is derived.

3. The Governor in Council entertains the ſame ſolicitude for the welfare and comfort of the Native Troops that has invariably been manifeſted by the Britiſh Government.

4. He has no intention whatever of making any changes in their ſituation; and he expects that the Native Troops will diſplay on every emergency the unſhaken fidelity to Government which conſtitutes the firſt duty of a ſoldier; and they will obey with zeal the orders of the officers whom the Government ſhall place in authority over them; that they will refuſe a belief of all reports calculated to agitate their minds and diminiſh their confidence in the Government; and that they will not allow themſelves to be involved in meaſures in any reſpect adverſe to their duty and allegiance.

5. The Governor in Council is pleaſed to expreſs his approbation of the good conduct which has been recently manifeſted by the Native Troops at the Preſidency, in the Camp at the Mount, at Trichinopoly, and at Vellore; and he is confident that their behaviour will be equally correct and loyal in all other ſtations of the Army.

By order of the honourable the Governor in Council,
(Signed) A. FALCONAR,
Chief Secretary to Government.

General Orders by the honourable the Governor in Council.

Fort St. George, 3d Auguſt 1809.

All officers now at the Preſidency, who have refuſed to ſign the Declaration required by the order of Government of the 26th July, are directed to quit the Preſidency immediately, and to repair to ſuch ſtation upon the ſea coaſt, between Sadras and Negapatam, as they may have ſelected as their places of reſidence.

By order of the honourable the Governor in Council,
(Signed) A. FALCONAR,
Chief Secretary to Government.

By order of Major General Gowdie, commanding the Army.

(No. 3.)—In Madras Secret Letter of 6th September 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 7th Auguſt 1809.

The honourable the Governor in Council having addreſſed the ſubjoined Orders to Major General Gowdie, commanding the Army to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

General Orders, by Government.

Fort St. George, 4th Auguſt 1809.

THE honourable the Governor in Council is pleaſed to appoint Captain Paterſon of His Majeſty's 22d Regiment of Light Dragoons, to be Agent for Cavalry ſupplies to the detachment under command of Lieutenant Colonel Hare commanding the center Diviſion of the Army.

The Governor in Council directs that Soobidar Narrain Sawmy, lately returned from Ceylon, be readmitte on the Eſtabliſhment with the rank he now holds.

By order of the honourable the Governor in Council,
(Signed) J. H. PEILE.
Secretary to Government.

General Orders, by Government.

Fort St. George, 6th Auguſt 1809.

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 6th Sept. 1809.

THE honourable the Governor in Council has been pleaſed to reſolve, that all the European Officers of the Company's Service, who may be removed from the exerciſe of their Military Functions in conſequence of their refuſing or omitting to ſign the declaration required in the Orders of the 26th July laſt, ſhall be permitted to chooſe a place for their reſidence, until further orders, between Sadras and Negapatam, both places included; from which they are not afterwards to proceed beyond the diſtance of five miles, without the permiſſion of the Governor in Council.

The Governor in Council is further pleaſed to direct, that the Commanding Officers of diviſions, ſtations, or corps, ſhall take the moſt effectual meaſures for obliging the officers who may be ſuſpended from the exerciſe of their Military Functions for the reaſons above ſtated, to quit the ſtations of their corps without any delay whatever, and to proceed with all practicable diſpatch to the places which they may chooſe for their reſidence.

Commanding Officers of diviſions, &c. are directed to report to the office of the Adjutant General of the Army, the names of the places which may be ſelected by the officers for their reſpective reſidence under this order.

By order of the honourable the Governor in Council.
(Signed) A. FALCONAR.
Chief Secretary to Government.

General ORDERS by Government.

Fort St. George, 7th Auguſt 1809.

THE honourable the Governor in Council is pleaſed to direct Enſigns Monteith and Trapaud of the corps of Engineers ſhall join and do duty with the corps of Artillery until further Orders, without prejudice to their preſent allowances.

The Governor in Council directs Mr. Commiſſary Penn, of the Invalids, to proceed and take charge of the Commiſſary's Department and Laboratory at St. Thomas's Mount, until further Orders.

By order of the honourable the Governor in Council.
(Signed) J. H. PEILE.
Secretary to Government.

By Order of Major General Gowdie, commanding the Army.

(No. 4.)—In Madras Secret Letter of 6th September 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 8th Auguſt 1809.

The honourable the Governor in Council having addreſſed the ſubjoined Orders to Major General Gowdie, commanding the Army, to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

General Orders by the honourable the Governor in Council.

Fort St. George, 8th Auguſt 1809.

The honourable the Governor in Council is pleaſed to direct that the following General Order by the Right honourable the Governor General in Council be publiſhed to the Army ſerving under this Preſidency.

General Orders by the Right honourable the Governor General in Council.

Fort William, 20th July 1809.

THE Right honourable the Governor General in Council has received private but authentic advices, that orders having been iſſued by Major General Gowdie, the officer Commanding in Chief on the Coast, to Lieutenant Colonel Innes, commanding at Maſulipatam, directing the embarkation of one or more detachments of the Madras European Regiment on board His Majeſty's ſhips, for the purpoſe of ſerving as marines, the officers of the ſtation were induced to entertain the erroneous ſuppoſition, that the object of thoſe orders was to ſeparate and finally diſperſe that regiment, a deſign which the Government of Fort St. George has formally and ſolemnly diſavowed; and under the influence of this miſapprehenſion, declared their reſolution to reſiſt the execution of them; that Lieutenant Colonel Innes having manifeſted a determination to enforce them, the officers of the Garriſon proceeded to the Barracks, and by perſonal repreſentation ſucceeded in ſeducing the troops from their duty, and in obtaining from them a promiſe of ſupport. That Major Storey, the next in command, who was then in the Cantonments, proceeded to the Garriſon, and having endeavoured, without ſucceſs, to induce Lieutenant Colonel Innes to depart from the obligation of his public duty, by abandoning his reſolution to carry into effect the orders which he had received, adopted the extreme meaſure of placing that officer in arreſt, under the charge of European ſentries.

The Governor General in Council has deemed it neceſſary to apprize the Army of Bengal of an event ſo deeply intereſting to the feelings of every loyal ſubject, and eſpecially of thoſe who have the honour to bear a Military Commiſſion. The Governor General in Council has received with ſentiments of the deepeſt affliction the intelligence of the exceſſes into

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 6th Sept. 1809.

which the officers of the ſtation of Maſulipatam have thus been gradually led by the effects of the late prevailing agitation of the Army of the Coaſt. He truſts, however, that this unhappy event will afford a ſerious, but ſalutary warning of the danger to which the combined intereſts of the Public and the Army muſt ever be expoſed, by the firſt and ſlighteſt departure from the eſtabliſhed principles of military diſcipline on one hand, and on the other of a juſt ſubordination to the laws of their country, and to the legitimate authority of the ſtate.

The occurrence of this affecting event, combined with the agitation which unhappily prevails among the officers of the Army of Fort St. George, renders it the duty of the Governor General to proceed without delay to that Preſidency, in the hope of being enabled ſucceſsfully to appeal to thoſe ſentiments of loyalty and attachment to their King and their Country which his Lordſhip in Council yet confidently aſcribes to the general body of the officers of the Coaſt Army, whoſe zeal, fidelity, and profeſſional achievements have hitherto been the theme of juſt and unqualified applauſe, and by an accurate knowledge of all circumſtances which have attended the late agitation, to deviſe ſuch means as may beſt tend to avert the impending dangers of anarchy and inſubordination, and re-eſtabliſh the foundations of public ſecurity and national proſperity in this important branch of the Britiſh Empire.

(Signed) N. B. EDMONSTONE,
Chief Secretary to the Government.

By Order of the honourable the Governor in Council.

(Signed) A. FALCONAR,
Chief Secretary to Government.

By Order of Major General Gowdie, commanding the Army.

No. 5.—Madras Secret Letter 6th September, 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 9th Auguſt 1809.

The Honourable the Governor in Council having addreſſed the ſubjoined orders to Major General Gowdie, commanding the Army, to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

Fort St. George, 9th Auguſt 1809.

G. O. by Government,

THE Governor in Council having taken into conſideration the whole of the tranſactions that have occurred in the Garriſon of Maſulipatam, and being ſatisfied that the part borne by the men in thoſe tranſactions is to be entirely imputed to the miſrepreſentations and ſeductions of their European officers, is pleaſed to proclaim a full pardon to the European non-commiſſioned officers and privates, and to the native commiſſioned officers, non-commiſſioned officers and privates of the Garriſon of Maſulipatam who were concerned in theſe improper proceedings. The Governor in Council entertains a confident perſuaſion that this act of lenity will produce a proper effect in the minds of thoſe men; and induce them to manifeſt in future the fidelity to the Government which conſtitutes the firſt duty and higheſt praiſe of every ſoldier.

The Governor in Council prohibits the march of any body of troops from the Garriſon of Maſulipatam without the orders of Major General Pater, commanding the Northern Diviſion, and directs that any troops who may have marched from Maſulipatam without due authority, ſhall return forthwith to that ſtation, on pain of being conſidered to be in a ſtate of rebellion to the Government.

By Order of the Honourable the Governor in Council.

(Signed) A. FALCONAR.
Chief Secretary to Government.

By Order of Major General Gowdie, commanding the Army.

No. 6.—In Madras Secret Letter 6th September 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 15th Auguſt 1809.

The Honourable the Governor in Council having addreſſed the ſubjoined orders to Major General Gowdie, commanding the Army to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

Fort St. George, 12th Auguſt 1809.

G. O. By the Honourable the Governor in Council.

THE courſe of proceedings followed for ſome time paſt by the officers of the Honourable Company's Army at this Preſidency has obliged the Government to adopt the moſt decided meaſures for the preſervation of the important intereſts committed to its charge. Theſe proceedings may be ſtated to have commenced with the tranſmiſſion to the Government, by the late Commander in Chief, of a Memorial addreſſed to the Honourable the Court of Directors, dated January 1809, and ſigned by a large proportion of the company's officers, although that paper exhibits claims of an ungrounded nature, and contains obſervations equally improper and unjuſt on the orders of the Honourable the Court of Directors and the Government.

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ment. The Governor in Council was induced to permit it to pass without the serious notice which it appeared to demand by a confidence in the discipline of the Army, and a persuasion that the objectionable passages in the Memorial were inadvertently and unintentionally introduced.

The subsequent conduct of the Commander in Chief forced the Government to vindicate its authority by a signal example of punishment. It was well known to the Company's officers, that the whole of this proceeding was referred to the supreme Government, and the authorities in Europe; that it would receive from their wisdom a decision conformable to the soundest principles of reason and justice; and that its discussion could not belong to the cognizance of the Army, who are precluded from becoming a deliberative body. Notwithstanding these considerations, the Governor in Council, anxious to remove every cause of misunderstanding relative to a measure of so important a nature, published an Order, dated the 31st January, explaining to the Army the grounds on which it was adopted. The Governor in Council had a right to expect, on the most obvious grounds of discipline, and respect for the laws, that the question would have been permitted to rest here, and receive its final award from the only powers competent to decide on it; and it was with feelings of equal surprise and concern he learned, that a Memorial to the supreme Government, of the most intemperate description, was circulated in the Company's Army. The Governor in Council, desirous to avoid a recurrence to measures of severity, and persuaded that it was sufficient to apprize the Company's officers of the improper nature of their proceedings to induce them to desist from their prosecution, authorized the Commander in Chief to issue a Circular Letter, dated 5th March 1809, explaining to those officers the impropriety of their conduct, and calling upon them, by the most powerful motives of duty, allegiance, and honour, to abstain from such unjustifiable measures. A Letter from the Right honourable the Governor General in Council, dated 20th February 1809, approving of the steps adopted by the Government of Fort-St. George with respect to the late Commander in Chief, was also circulated to the Army, in the expectation that the sentiments of the supreme Government would have repressed the spirit of faction and insubordination which prevailed. These Letters appear to have produced no effect; the Memorial to the supreme Government made further progress; and an Address to Major Boles, an officer under sentence of suspension, written in language of determined sedition, was circulated in the Army, and forced upon the notice of the Governor in Council by a Company's officer holding a confidential situation on his Staff. The Governor in Council was still induced to pursue a system of forbearance, by the sentiments of affection and respect which he was disposed to entertain towards the Company's officers, and by a conviction that the principles of zeal, discipline, and national attachment, by which he supposed they were actuated, would lead them to relinquish the reprehensible measures in which they were engaged, on being made fully acquainted with their impropriety and danger. The Commander in Chief accordingly, under the sanction of the Government, issued a second Circular Letter, dated 10th April 1809, again calling upon the officers of the Company's Army to adhere to their duty, correcting the erroneous opinions which they had received regarding the powers of the Government, and describing the unjustifiable nature and dangerous consequences of their proceedings. The Governor in Council learned with deep regret that these measures of moderation, these repeated and urgent appeals to the discipline, duty, national attachment, and professional honour of the Company's officers, were entirely nugatory, that the Memorials continued to be circulated, and that sentiments of sedition were openly declared in many parts of the Army. The further forbearance of the Government would have encouraged the progress of those evils; a course of explanation and exhortation had been pursued in vain, and it became imperiously necessary to check, by a salutary example of punishment, a spirit of insubordination that threatened the most dangerous consequences to the prosperity of the Empire. The General Orders of the 1st of May last were accordingly passed. The Governor in Council is concerned to state, that this example, which was confined to the persons who were principally instrumental in promoting sedition, and of whose delinquency the most ample proofs existed, and which was intended to obviate the necessity of more extensive punishments, failed to produce the beneficial effects anticipated from its adoption; and that principles of insubordination and sedition continued to prevail among the Company's officers, if possible, with aggravated violence. The Company's officers of the Hyderabad Subsidiary Force, whose good conduct, in refusing to affix their signatures to the seditious addresses had received the approbation of the Government, intimated to the rest of the Army, in an Address, dated in May last, scarcely less reprehensible than the papers which had incurred the animadversion of the Government, their participation in the disaffection which prevailed so extensively in the Company's Army. The officers at Hyderabad followed up this act by threatening, in an Address, dated 15th June, transmitted direct to the Governor in Council, to separate themselves from the authority of the Government established over them by their Country, unless a submission should be yielded to their menaces, by abrogating the General Orders of the 1st of May; and the Company's officers at Masulipatam imprisoned their commanding officer, and made preparations to desert the post intrusted to their charge, and to join the Hydrabad Subsidiary Force, thereby involving, on account of views personal to themselves, the men under their command in the guilt of rebellion, and furnishing to the Native Troops a dangerous example of resistance to authority. The Governor in Council, still anxious to impress on the minds of the Company's officers a sense of the impropriety of their conduct, published to the Army the Dispatch from the supreme Government, dated 27th May last, which contained an entire approval of the measures of the Government of Fort St. George, and stated the most forcible and conclusive arguments against the system of faction and

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illegal combination which had been introduced into the Coast Army. This solemn decision of the supreme authority in India has also proved to be ineffectual. The officers at Hyderabad, although they knew the sentiments of the supreme Government, refused, in a body, in a Letter to their commanding officer, dated 8th July, obedience to the Orders of Government for the march of a battalion from Hyderabad, adding as a threat, that its services might soon be useful to their cause; and have since forwarded to the Government in a paper, dated 21st July, the conditions on which they are willing to return to their duty, and which they require the Government to accept, in order to avert the impending awful evils, evils which can result only from their own criminal determination to place themselves in the situation of enemies to their Country. The conditions on which those officers presume to state that they will yield obedience to the national authorities, afford further proofs of the nature of their designs; for they demand the public revocation of the General Orders of the 1st May, the restoration to their rank and appointments of all officers removed by this Government, however obnoxious and criminal the conduct of those officers may have been; the dismission from office of the officers of the General Staff, who may be supposed to have advised the Government; the trial by a General Court Martial of the officer commanding Masulipatam, who was arrested by his own disobedient officers; and finally, an amnesty for the conduct of the Company's Army. The Garrison of Masulipatam have placed themselves in a state of rebellion. The troops at Seringapatam and Hyderabad have followed their example; and it has been ascertained that the military authority intrusted to commanding offices has been usurped by self-constituted Committees, and that an organized system of combination, for the purpose of subverting the authority of the Government, has been established throughout the greatest part of the Army of this establishment.

The Governor in Council perceives in the foregoing course of proceedings on the part of the European officers of the Company's Army, which has equally resisted measures of forbearance and punishment, a determined spirit of revolt, that must, unless speedily repressed, produce the most fatal consequences to the constitution and authority of the Government, and the interest of the Nation. No means compatible with the honour and authority of the Government have been omitted to recall the Company's Officers to a sense of their duty as soldiers, and of their allegiance as British subjects. The forbearance displayed by the Government under circumstances of aggravated indignity, demonstrate the satisfaction with which it would have regarded any disposition on the part of the Company's Officers to manifest the usual obedience required from all soldiers. No disposition however of that nature has appeared, on the contrary those officers by a systematic course of aggression and insubordination have forced the Government to adopt measures of the most decided nature for the support of its authority.

The Governor in Council would be guilty of a most criminal desertion of his duty, and the cause of his country, if he were capable of confirming the evils of sedition and mutiny, by a submission to the menaces of a body of men placed by the Law under his Government. Such a course of proceeding would prostrate the authority of the State before a disaffected and seditious faction; it would effectually incapacitate this and every succeeding Government from executing the functions of administration; and would be fatal to the prosperity of the Empire in India, by affording an example of successful opposition to authority; and by weakening the power and dignity of the Government which in this country are peculiarly essential to its existence. Influenced by these considerations, the Governor in Council has considered it to be his sacred duty to resist every appearance of concession to the threats of insubordination and faction; and to employ the power and means at the disposal of the Government for the restoration of discipline, and the maintenance of its honour and authority.

In this state of affairs it is a source of the most gratifying reflection, that the zeal, loyalty, and discipline of His Majesty's troops, and of many of the most respectable officers of the Company's Army, combined with the fidelity generally manifested by the native troops, will enable the Government to accomplish the important object of re-establishing public order. The good conduct of His Majesty's troops during the dissentions that have occurred, their zealous adherence to duty, the preference which they have manifested to the principles of honour, virtue, and patriotism, over the personal views and disorderly passions which prevailed around them, reflect the greatest credit on their character, and demonstrate that they are animated by the same ardent love of their country which has distinguished their brother soldiers in Europe. His Majesty's troops under this Government will possess the gratifying reflection of having deserved the approbation and gratitude of their country; and of having eminently contributed to the preservation of an important branch of the Empire.

The Governor in Council entertains a hope that the Company's officers who have threatened the Government of their country with the most serious evils; who have demanded as the condition of being faithful to their duty, the execution of measures degrading to the character and fatal to the interests of the State, will pause before they attempt to proceed further in the course of sedition and guilt which they have pursued. It has been the earnest wish and anxious desire of the Governor in Council to avoid measures of extremity, to re-establish order by the course of the Law; and to give up to Military trial the authors of the present seditious proceedings. In the prosecution of measures so consonant to justice, so necessary for the restoration of discipline, and so conformable to the ordinary course of Military Government, the Governor in Council is persuaded that he shall have the concurrence of all persons in the Civil and Military services who have not banished from their minds every sentiment of national feeling; and he exhorts the officers of the Company's service, by submitting to that course of measures, to avert the evils which they are precipitating upon themselves. Such a result, gratifying at any period, would, at the present moment of national difficulty,

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ficulty, be peculiarly acceptable to the views and feelings of the Governor in Council; and adverting to the zeal and patriotiſm by which the officers of the Company's Army have been diſtinguiſhed, he ſtill encourages a hope, that by manifeſting obedience to the Government, they will obviate the adoption of meaſures of extremity, arreſt the certain conſequences of their paſt conduct, and promote the reſtoration of general confidence, order and diſcipline.

By Order of the honourable the Governor in Council.
(Signed) A. FALCONAR,
Chief Secretary to Government.

By Order of Major General Gowdie, commanding the Army.

No. 7.—In Madras Secret Letter of 6th September 1809.

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 19th Auguſt 1809.

The honourable the Governor in Council having addreſſed the ſubjoined Orders to Major General Gowdie, commanding the Army, to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

General Orders by the honourable the Governor in Council.

Fort St. George, 18th Auguſt 1809.

THE Governor in Council has received intelligence that the troops at Chittledroog, conſiſting of the 1ſt battalion of the 8th and 15th regiments, No. 1. ſeized in the latter end of July the public treaſure at that ſtation, deſerted the poſt intruſted to their care, and in obedience to orders which they received from a committee who had uſurped the public authority at Seringapatam, marched on the 6th inſtant to join the diſaffected troops in that Garriſon, plundering the villages on their route. The Britiſh reſident, and the officer commanding in Myſore, prohibited in the moſt poſitive terms the advance of the troops from Chittledroog, and demanded from their European Officers a compliance with the reſolution of the Governor in Council of the 26th ultimo, by either declaring that they would obey the orders of Government according to the tenor of their Commiſſions, or withdrawing for the preſent from the exerciſe of authority. The officers having refuſed to comply with his requiſition, and having perſiſted in advancing towards Seringapatam, it became unavoidably neceſſary to prevent by force their entrance into that Garriſon. In the conteſt which enſued, a detachment from the Britiſh force, under the command of Lieutenant Colonel Gibbs, aided by a body of Myſore Horſe, and 1ſt battalion of the 3d regiment of Native Infantry, entirely defeated and diſperſed the corps from Chittledroog. During this affair a ſally was made by the Garriſon of Seringapatam on Lieutenant Colonel Gibbs's Camp, but was inſtantly driven back by the pickets and 5th regiment of Cavalry, under the command of Captain Bean of His Majeſty's 25th dragoons in charge of that regiment.

Nearly the whole of the rebel force was deſtroyed, while one caſualty only was ſuſtained by the Britiſh troops. Lieutenant Jeffries of His Majeſty's 25th regiment of light dragoons, having zealouſly offered his ſervice to carry a flag of truce, which Lieutenant Colonel Gibbs, anxious to prevent the effuſion of blood, was deſirous of diſpatching to the rebel troops, was ſlightly wounded in the execution of that duty, by a volley fired under the expreſs command of a European officer.

While the Governor in Council participates in the feelings of ſorrow that muſt have been experienced by the Britiſh forces in acting againſt the rebel troops, and deeply laments the unfortunate but imperious neceſſity which exiſted for that proceeding, he conſiders it to be due to the conduct of the Britiſh forces to expreſs his high admiration and applauſe of the zeal, firmneſs, and patriotiſm which they diſplayed on that moſt diſtreſſing occaſion. Their conduct affords a further proof of the ſuperior influence in their minds of the principles of virtue, honour, and loyalty, over every other conſideration, and eminently entitles them to public approbation. Lieutenant Colonel Gibbs, Lieutenant Colonel Adams, Major Carden, Captain Bean, and Lieutenant Jeffries, availed themſelves of the opportunities offered to them on this occaſion of ſerving their country.

The Governor in Council is alſo happy to diſtinguiſh the zeal and loyalty diſplayed by the 5th regiment of Native Cavalry, the 1ſt battalion 3d regiment of Native Infantry, and the Myſore troops, who all manifeſted an eager deſire to perform their duty. The Myſore Horſe on one occaſion put the column of the Chittledroog troops to flight, and took two guns and both the colours from one of the battalions, a memorable proof of the weakneſs of men acting in the worſt of cauſes.

That a body of Britiſh officers ſhould deliberately diſobey the orders of their Government, ſeize the public treaſure under their protection, abandon the poſt intruſted to their charge, march to join a party of men in open oppoſition to authority, plunder the Dominions of a Britiſh ally, and finally bear arms againſt their country, muſt excite grief and aſtoniſhment, but the conduct of theſe officers in urging the innocent men under their command, who had the moſt powerful claims on their humanity and care into the guilt and danger of rebellion, conſtitutes an aggravation of their offence that cannot be contemplated without feelings of the deepeſt indignation and ſorrow. The Governor in Council is very far from wiſhing to aggravate the miſconduct of thoſe deluded and unhappy men, but he earneſtly hopes that the

[No. 2. A.] Enclosures in Gen. Letter, Secret Dep. 6th Sept. 1809.

example of their crimes, and their fate will ſtill impreſs on the minds of the officers who have joined in their plans, a ſenſe of the danger of their ſituation, and the propriety of endeavouring by their early obedience and future zeal to efface the deep ſtain which has been caſt on the honour of the Madras Army.

In announcing to the native troops the diſtreſſing event deſcribed in this order, the Governor in Council muſt expreſs his concern that any part of the native Army ſhould be ſo far deluded by miſrepreſentations, and ſo loſt to a ſenſe of the obligations of fidelity, honour and religion, ſo as to act againſt the Government, which has ſo long ſupported them. The General Orders of the 3d inſtant, and the conduct that has been obſerved towards the native troops at the Preſidency, the Mount, Vellore, Trichinopoly, Bellary, Gooty, and Bangalore, muſt convince the whole native Army of the anxiety of Government to promote their welfare, and ſave them from the dangers into which they were likely to be plunged. The Governor in Council ſtill places the greateſt confidence in the fidelity and zeal of the native troops; and is convinced that they will not willingly ſully the high reputation which they have ſo long enjoyed, by joining in the execution of plans that muſt end in their diſgrace and ruin.

The Governor in Council truſts that the unhappy fate of the Chittledroog battalions, who allowed themſelves to be engaged in oppoſition to their Government, will have the effect of preventing any other part of the Native Army from ſuffering themſelves, under any circumſtances, to be placed in a ſituation adverſe to their duty and allegiance.

The Governor in Council avails himſelf of this occaſion to expreſs in the moſt public manner his high ſenſe of the zeal, moderation, energy and ability, diſplayed by the Government of Myſore, and by the Britiſh Reſident and Commanding Officers during the tranſactions that have recently occurred in that country. The Britiſh Reſident and the Commanding Officer in Myſore, did not permit the adoption of coercive meaſures until every means of expoſtulation and forbearance had been exhauſted, and until they were compelled to embrace the alternative of employing force in order to prevent the moſt fatal evils to the cauſe of their country.

The Governor in Council requeſts that the honourable Mr. Colè and Lieutenant Colonel Davis will be pleaſed to accept the expreſſion of his higheſt approbation and thanks for the moderation, firmneſs and ability which they manifeſted on this unprecedented and diſtreſſing occaſion.

By Order of the Honourable the Governor in Council.

(Signed) A. FALCONAR,
Chief Secretary to Government.

By Order of Major General Gowdie commanding the Army.

[No. 2. A]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copies of Letters from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors;—dated the 13th May, and 6th September 1809:—Together with ſundry Enclosures in the ſaid Letters.

Ordered, by The Houſe of Commons, *to be printed,*
25*th May* 1810.

[No. 2. B.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copy of a Letter from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors; dated 10th September 1809:—With sundry Enclosures.

Ordered, by The Houſe of Commons, *to be printed, 25th May* 1810.

Fort St. George.—Secret Department.

GENERAL LETTER, 10th September 1809.—Received per Rattleſnake the 12th March 1810.

To the Honourable the Secret Committee of the Honourable Court of Directors.

Honourable Sirs,

Para. 1. WE had the honour of tranſmitting to your honourable Committee on the 28th of June laſt, through the channel of your Secretary, a copy of the Letter from the Supreme Government, under date the 27th of May laſt, on the ſubject of the reprehenſible conduct of a conſiderable number of the officers of the Company's army of this Eſtabliſhment. Gen. Letter, Secret Dept. 10th Sept. 1809.

2.—Since the date of thoſe Diſpatches, the ſeditious proceedings of the diſaffected officers have threatened the moſt ſerious danger to the public intereſts; it is with ſentiments of the greateſt ſatisfaction we inform you that the meaſures of the Government have entirely ſucceeded in re-eſtabliſhing obedience to its authority throughout the army of this Preſidency.

3.—Your honourable Committee have been already apprized of the events which rendered it neceſſary to adopt the meaſures communicated to the Army in our General Order of the 1ſt of May laſt: in publiſhing thoſe Orders, we entertained a confident expectation that the examples of puniſhment which they announced, and which were confined to the officers who were generally known and fully proved to have been principally inſtrumental in promoting diſaffection, would have effectually checked the criminal courſe of proceedings which they had purſued, and prevented the neceſſity of more extenſive puniſhments; the immediate reſult of thoſe Orders correſponded with our expectations, and confirmed the correctneſs of the grounds on which they were iſſued, the juſtneſs of the principles which they were calculated to enforce, and the neceſſity of the examples of puniſhment which they announced were generally acknowledged; they produced an impreſſion entirely favourable to the public intereſts throughout the greateſt part of the Army, and would have ſuppreſſed for a time the ſpirit of inſubordination which prevailed, if that ſpirit had not been again excited by the proceedings of the officers of the ſubſidiary force at Hydrabad. Sec. Conſ. 1. May 1809.

4.—It was judged expedient, on grounds of policy and juſtice, to diſtinguiſh by the approbation of the Government, in the Orders of the 1ſt of May, thoſe branches of the Army which had manifeſted a zealous ſenſe of public duty, by refuſing their concurrence to the criminal proceedings of the diſaffected officers; the thanks of the Go-

[No. 2. B.] Gen. Letter, Secret Dept. 10th Sept. 1809.

vernment were accordingly conveyed to His Majeſty's troops, and to the Company's officers attached to the Hydrabad ſubſidiary force; but this expreſſion of public approbation, ſo creditable to the perſons to whom it was applied, and ſo gratifying to the feelings of ſoldiers, was received by the officers of the ſubſidiary force in a manner which too plainly evinced that they were neither deſerving of that honourable teſtimony, nor free from the ſeditious ſpirit with which a large proportion of the officers of the Army were ſo deeply affected.

(No. 1.) (No. 2) 5.—Diſſatisfied with expreſſions of approbation which they conceived were calculated to ſeparate them from the reſt of the Army, and to aſcribe to them a diſapproval of the proceedings of their brother officers, and an acquieſcence in the propriety of the meaſures of the Government, they circulated on the 18th of May, an Addreſs to the Army, intimating their entire approbation of the ſeditious proceedings which had been adopted by the diſſaffected officers, their unqualified condemnation of the acts of the Government, their reſolution to contribute towards the ſupport of the officers who had fallen under its diſpleaſure, and their readineſs to join in any legal meaſures for the reſtoration of thoſe officers to their ſituations in the ſervice.

6.—Lieutenant Colonel Montreſor, the officer commanding the ſubſidiary force, having obtained private information of the intention to prepare this Addreſs, reported the circumſtance to the officer commanding the Army, and urged the moſt forcible arguments to diſſuade the officers from adopting a ſtep ſo repugnant to every obligation of their duty; Lieutenant Colonel Montreſor, however, (unfortunately in our judgment) did not on this occaſion deem it adviſable to adopt thoſe timely meaſures of deciſion which could alone have been expected to check the progreſs of ſedition.

7.—The example of the ſubſidiary force at Hydrabad, which derived importance from its ſtrength in Company's troops, its poſition, and the complete ſtate of its equipment for field ſervice, had a powerful effect on the reſt of the Army, and was very generally followed.

8.—A ſpirit of ſedition again broke out, the meaſures of the Government were diſcuſſed and condemned in the moſt public and indecent manner, and Committees of officers were eſtabliſhed at all the military ſtations. Theſe Committees aſſumed the exerciſe of the higheſt powers, and commenced an active correſpondence with each other, for the purpoſe of forming and combining their plans of revolt.

9.—The oſtenſible objects of the diſaffected officers were, a redreſs of alleged grievances, the obtaining of Bengal allowances, the diſmiſſal of unpopular officers from their official ſituations, and the reſtoration of the officers who had been removed from office, or ſuſpended from the ſervice by the Government. There is every reaſon, however, to believe that thoſe objects were conſidered as preliminary only to the accompliſhment of more extenſive and dangerous views, and particularly the ſubverſion of the preſent Government.

10.—The correſpondence of the Committees were conducted with the greateſt ſecrecy, and we were induced, for a ſhort period of time, by an appearance of order, to encourage a belief that the officers had begun to abandon their improper proceedings.

(No. 3.) (No. 4.) 11.—This belief was, however, ſoon proved to be without foundation, by the conduct of the Hydrabad force, who, after the circulation of their Addreſs to the Army, which we have already mentioned, communicated to their Commanding Officer a draft of an Addreſs which they propoſed to tranſmit to the Government. They threatened in that Paper to ſeparate themſelves from the authority of the Government, unleſs their demands ſhould be granted, and intimated that, in caſe of a refuſal, the ſcenes acted at Vellore might be repeated with increaſed effect. The Officers were induced, by Lieutenant-Colonel Montreſor's remonſtrances, to delay for a few days the tranſmiſſion of this ſeditious Addreſs; they, however, employed the interval in obtaining the ſignatures of that part of the force which is ſtationed at Jalnah, in the province of Berar, and on the 23d of June they forwarded the Paper directly to the Government, with the ſignatures of one hundred and eighty-ſix officers affixed to it, and with no material alteration from the draft ſubmitted to Colonel Montreſor, excepting the omiſſion of the obſervation relative to the mutiny at Vellore.

(No. 5.) 12.—During the occurrence of theſe tranſactions at Hydrabad, the officers at Maſulipatam formed and executed a plan of open mutiny. This event originated, in reality,

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reality, in the prevailing ſpirit of diſaffection and revolt. But it will be neceſſary to review in a ſummary manner the circumſtances by which that mutiny was oſtenſibly produced.

13.—The Madras European regiment ſtationed at Maſulipatam, had been for ſome time remarkable for a relaxation of diſcipline. The inſubordination of that corps (which had been conſiderably increaſed by the very exceptionable ſpeech addreſſed to it by the late Commander in Chief) induced Major-General Gowdie to ſelect Lieutenant-Colonel Innes, an officer of approved zeal and public ſpirit, for the charge of it, and we at the ſame time appointed that officer to the command of the garriſon of Maſulipatam.

14.—Lieutenant-Colonel Innes found it neceſſary, immediately on aſſuming the command of Maſulipatam, to exert his authority in checking the intemperate proceedings of his officers. The violent and diſreſpectful conduct of Lieutenant Forbes and Maitland at the meſs of the regiment, on the evening of Lieutenant-Colonel Innes's arrival, obliged him to recommend to the officer commanding the Army in Chief, the meaſure of marking their miſconduct by detaching the former to a remote ſtation, and ſuggeſting the removal of the latter from the ſituation of Quarter-maſter. The officers affected to conſider this meaſure as an act of unmerited rigour, derogatory to the character of the regiment, and of the ſervice.

15.—About this time an urgent application was received by us from the naval Commander in Chief, for the ſervices of 100 Europeans to act for a time as marines on board of His Majeſty's ſhips. It had for ſome years been cuſtomary to detach parties of troops to ſerve as marines on board of His Majeſty's ſhips, when required by the exigencies of the public ſervice. Orders had, however, been recently received from his Royal Highneſs the Duke of York, prohibiting the employment of His Majeſty's troops on that duty, excepting in caſes of the greateſt emergency. His Majeſty's regiment had for ſome years furniſhed the parties required for this duty, and ſeveral of thoſe parties had been nearly two years detached from their corps. The Madras European regiment had been long unemployed, and the ſervices of the whole corps were not required at Maſulipatam; we determined, therefore, to comply at once with the urgent application of the naval Commander in Chief, and the orders of his Royal Highneſs the Duke of York, by directing a detachment from the Madras European regiment of three officers and 100 men to embark on His Majeſty's ſhips. The ſhips of war intended to receive thoſe men arrived at Maſulipatam on the 24th of June.

16.—The officers of the European regiment being prepared for mutiny by the concurring cauſes already deſcribed, reſolved to avail themſelves of this opportunity to execute their purpoſe; and to obtain the co-operation of their men, they perſuaded the men that the embarkation of the detachment was only a preliminary ſtep to breaking the regiment, and transferring the men to the navy. They aſſured the men that it was their intention to reſiſt this unjuſt and oppreſſive act of the Government, and called upon them in return to ſupport their officers. A deputation from the officers of the garriſon waited upon Colonel Innes, informed him of their determination to reſiſt the orders for the embarkation of the detachment, recommended to him to wait the reſult of a reference to Madras on the ſubject, and proceeded, on being apprized of his determination to execute the orders of the Government, to place him in cloſe arreſt. Major Storey, of the 19th regiment of native infantry, the officer next in ſeniority at Maſulipatam, aſſumed the command of the garriſon, to obviate, as he pretended, the dangerous conſequences which would have reſulted from an attempt to enforce the embarkation of the detachment. It has been aſcertained, that the whole of this proceeding had been concerted and communicated to the reſt of the Army ſome time previous to the period of its execution.

17.—On receiving intelligence of the mutiny, we appointed Lieutenant-Colonel Malcolm, in whoſe zeal and talents we entertained the fulleſt confidence, to the command of the Madras European regiment, and the garriſon of Maſulipatam, for the purpoſes of re-eſtabliſhing the authority of the Government over the troops, enquiring into the cauſes of the mutiny, and placing the moſt guilty of the offenders under arreſt. Lieutenant-Colonel Malcolm was not furniſhed with any written inſtructions: it was left to his diſcretion to adopt ſuch meaſures as circumſtances might render adviſable, with the view to the accompliſhment of the objects of his deputation.

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18.—Lieutenant-Colonel Malcolm immediately proceeded by ſea to Maſulipatam: on his arrival he found that the officers of the garriſon had formed themſelves into a Committee, in which every officer had a voice. The greateſt anarchy and confuſion prevailed, and it was with difficulty that he prevailed on the officers to acknowledge his authority.

9.—As it was never in the contemplation of the Government to diſband the European regiment, it was expected that Lieutenant Colonel Malcolm would have taken the earlieſt opportunity to communicate to the men a diſtinct and public diſavowal of that intention on the part of the Government, and have employed the moſt ſtrenuous exertions to recall the men to a ſenſe of their duty, by impreſſing upon their minds the degree of guilt and danger in which their officers, for purpoſes entirely (No. 8.) perſonal to themſelves, had endeavoured to involve them. It was alſo expected that Lieutenant-Colonel Malcolm, by eſtabliſhing his influence and authority over the troops compoſing the garriſon, would have ſecured their obedience, and by that means have deprived the officers of the power of proſecuting their deſigns, and brought the leaders to trial for their mutinous conduct.

(No. 9.) 20.—Lieutenant Colonel Malcolm appears, however, to have adopted a courſe of proceeding entirely different from that which we had in view in deputing him to (No. 11.) Maſulipatam. He abſtained from making any direct communication to the men; and when we authorized him, with the view of detaching the troops from the cauſe of (No. 10.) their officers, to proclaim a Pardon to the European and Native ſoldiers for the part which they might have taken in the mutiny, he judged it to be proper to withhold the promulgation of the Pardon from an apprehenſion (as ſtated in his Letter to our Preſident (No. 11.) dated the 18th of July,) of irritating the minds of the European officers and driving them to deſpair.

21.—To this apparently unreaſonable forbearance and attention to the feelings of officers, who had by their acts of violence and aggreſſion forfeited all claims to ſuch conſideration, may, we conceive, be aſcribed Lieutenant-Colonel Malcolm's failure in the eſtabliſhment of any efficient controul over the Garriſon; and he appears to have been principally occupied, during the period of his reſidence at Maſulipatam, in negotiations with the diſorderly Committees, calculated in our opinion to compro- (No. 11.) miſe rather than eſtabliſh his authority, and in fruitleſs attempts to induce them by argument to return to their duty, and abandon the criminal combination in which they had engaged. Lieutenant-Colonel Malcolm's reaſons for purſuing this line of conduct, and for recommending to us the adoption of conciliatory and temporizing meaſures, are detailed in his Letters to our Preſident dated the 4th, 5th, and 6th of (No. 7.) July. In thoſe Letters, he ſtates, that the officers at Maſulipatam had received aſſurances from moſt of the military ſtations of the Army, applauding their conduct, and promiſing them effectual ſupport; that the whole Army were united in a reſolution to oppoſe the authority of Government; that the combination was general; that there was not a ſingle corps from Ganjam to Cape Comorin which was not prepared to break out into open rebellion. The meaſures recommended by Lieutenant-Colonel Malcolm, as conſtituting in his opinion the only means of averting the moſt dreadful calamities, conſiſted of a modified repeal of the Orders of the firſt of May, the reſtoration to the ſervice, and to their appointments, of all the officers whom we had found it neceſſary to ſuſpend or remove, with an intimation to the Army, that their claims No. 7. & 11. to Bengal allowances would be brought to the notice of the honourable Court of Directors. Lieutenant-Colonel Malcolm returned to Madras on the arrival of Major-General Pater at Maſulipatam to aſſume the command of the northern diviſion of the Army, having ſucceeded no further in accompliſhing the object of his miſſion, than in pre- (No. 12.) venting the officers from adopting any flagrant acts of outrage to authority during his reſidence at Maſulipatam.

(No. 13.) 22.—Previouſly to Lieutenant-Colonel Malcolm's return to the Preſidency, we received advices from Lieutenant-Colonel Montreſor, ſtating that the officers at Hydrabad had in a body refuſed obedience to the orders of the Government, for the march of a battalion from that ſtation to Goa. Thoſe officers addreſſed a Letter to Colonel Montreſor on this occaſion, in which they ſtated, that having united amongſt themſelves, and with the whole Army, in a reſolution to obtain a redreſs of grievances, they conſider any attempt to divide them as incompatible with that reſolution; that they would not therefore conſent to the march of the 2d battalion, 10th regiment of native infantry, whoſe aſſiſtance might ſoon be neceſſary to them, and of whoſe

whoſe attachment to their cauſe they were aſſured, but that they were ready to obey all Colonel Montreſor's orders for the internal regulation of the force. Every argument was uſed by Colonel Montreſor to induce the officers to abandon the dangerous and criminal intention which they had announced, but his remonſtrances were ineffectual. [No. 2. B.] Gen. Letter, Secret Dep. 10th Sept. 1809.

23.—The officers at Hydrabad followed up this act by preſenting to Colonel Montreſor, on the 21ſt of July, a Paper containing certain demands which they ſtyled their Ultimatum, but at the ſame time pledged themſelves to remain quiet until an anſwer could arrive from the Government. This Paper demanded, firſt, the repeal of the General Order of the 1ſt May, in the ſame public manner in which that order was promulgated. Secondly, the reſtoration of every officer who had been removed or ſuſpended by the Government. Thirdly, the trial of Lieutenant-Colonel Innes, for his general conduct at Maſulipatam. Fourthly, the removal from office of the officers of the General Staff, whom they ſuppoſed had adviſed the Government. And laſtly, a general amneſty for the meaſures which the officers of the coaſt army had adopted. The ſignatures of all the officers of the ſubſidiary force, excepting the Staff, were affixed to this Addreſs. (No. 14.)

24.—The nature of the conditions contained in that Paper, ſo derogatory to the honour and authority of the Government, and ſo repugnant to every principle of military diſcipline, afforded a convincing proof of the determined ſpirit of ſedition which prevailed in the Army at that period of time. The Reſident at Hydrabad, in a Letter addreſſed to our Preſident, deſcribed the extreme agitation which prevailed in the Army; dwelt on the calamitous conſequences which muſt reſult from the threatened ſeparation of the civil and military authorities, and appeared to anticipate the horrors of a civil war, unleſs means could be deviſed to appeaſe the irritation in the minds of the officers, whoſe men he ſtated were prepared, he believed, to ſupport their officers in their oppoſition to the authority of the Government. In a ſubſequent Letter of the 23d July, the Reſident, however, mentioned, that upon full enquiry he did not find that the European officers had taken any ſteps to gain the native troops to their cauſe. (No. 14.) (No. 14.)

25.—On the 28th of July our Preſident acquainted the Reſident, through the channel of his military ſecretary, that it was the firm and unalterable determination of the Government not to compromiſe the public authority in the ſlighteſt degree, as any ſuch compromiſe would lead to evils of the greateſt magnitude, which would be irremediable. (No. 15.)

26.—The force at Jaulnah prepared, on the 5th July, an intemperate Addreſs to the Governor General, requeſting that he would proceed to Fort St. George, and aſſume the government of this Preſidency, in order to relieve the Army from the intolerable oppreſſion under which they ſtated it to be labouring. The Addreſs was, however, returned to its authors by Lieutenant-Colonel Montreſor, and was not forwarded to the Governor General. (No. 16.)

27.—It may be proper to obſerve, that the Army had no grievances, and no cauſes of complaint: the licentious and turbulent ſpirit which actuated them was equally adverſe to the efficiency of their own body, which muſt always depend on its diſcipline, to the authority of the Government, and to the intereſts of the nation. We have, therefore, during the whole progreſs of theſe diſturbances, been influenced by an earneſt ſolicitude to ſuppreſs a courſe of proceedings ſo pregnant with diſaſtrous conſequences; and we conceived that this important object would be accompliſhed by a firm, but temperate maintenance of our authority, by purſuing meaſures equally remote on the one hand from encreaſing the ſpirit of inſubordination in the Army by an appearance of weakneſs on the part of the Government, and, on the other, from exciting diſcontent by undue ſeverity, by making ſeaſonable appeals to the patriotiſm, the reaſon, and the zeal of the officers, and finally, by exhibiting ſalutary, but moderate examples of puniſhment, when ſuch meaſures became neceſſary to repreſs inſubordination, and to enforce diſcipline. It was a leading principle in our proceedings to temper puniſhment with clemency, to avoid meaſures of unneceſſary rigour or improper conceſſion, and to maintain the authority of the Government by a juſt, dignified, and decided exercile of its powers. We concluded that there were a number of loyal and thinking men in the Army, who, although miſled for a moment by the influence of circumſtances, would abandon their deſigns when they became likely to produce ſerious conſequences; and we ſuppoſed that the Army in

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general, when they found that the Government was not to be intimidated into a compliance with their demands, would return to their ordinary habits of obedience and diſcipline. Our conduct was regulated by theſe conſiderations, until the proceedings of the Army, in oppoſition to all our endeavours, arrived at lengths which imperiouſly demanded the moſt vigorous meaſures for the preſervation of the State from the evils attendant on military anarchy, and a complete diſſolution of all legal authority. The Memorial of the Army, on the ſubject of the Bengal Allowances, although it indicated a conſiderable relaxation of diſcipline in that body, did not demand a particular exertion of our authority; and the formal manner in which that highly improper Paper was recommended to our favourable notice by the late Commander in Chief, rendered it difficult to mark our diſpleaſure of its contents without adopting extreme meaſures towards that officer. The ſubſequent conduct of the Commander in Chief, in connection with his former proceedings, was too dangerous to the public authority to be permitted to paſs unnoticed, conſiſtently with the maintenance of the firſt principles of Government, and with the ſtate of affairs at the time under this Preſidency. We were of opinion, that the example of neceſſary puniſhment, adopted on this occaſion, would have effectually checked the ſpirit of inſubordination which appeared in the Army; and when we found that ſome factious and diſcontented perſons were again employing endeavours to foment that ſpirit, we judged it to be ſufficient to order the Commander in Chief to apprize the Army, in a circular Letter, dated the 5th of March, of the improper and criminal nature of their proceedings, and to call upon them, by the moſt powerful motives of honour, loyalty, and duty, to relinquiſh thoſe proceedings. In the ſame temper we publiſhed to the Army the Letter from the Supreme Government, dated the 20th of February laſt, which gave the ſanction of the higheſt authority in India to the meaſures which we had adopted. Theſe communications having been found inſufficient to check the activity of the faction formed in the Army, we judged it proper to direct the Commander in Chief to iſſue another circular Letter, dated the 10th of April, explaining the powers and authority of the Government, deſcribing the penalties which would attend a violation of that authority, and again exhorting the officers, by an appeal to their reaſon, their diſcipline, and their patriotiſm, to adhere to their duty. The improper proceedings of the Army had hitherto been carefully concealed, and theſe appeals to their honour and virtue had therefore no appearance of conceſſion or of weakneſs on the part of the Government. The minds of the officers had however received at this time too ſtrong a biaſs towards diſorder and turbulence to be reclaimed by the voice of reaſon, and their proceedings aſſumed a character of unqualified inſubordination and ſedition, which again demanded an example of puniſhment. The General Orders of the 1ſt of May could not indeed have been delayed without producing the deepeſt injury to the authority of the Government, and haſtening the arrival of an extreme criſis, which they had the effect of retarding. The ſtate of ſubmiſſion and obedience produced by theſe Orders, would no doubt have continued for a conſiderable period of time, if it had not, as already ſtated, been interrupted by the proceedings of a few factious officers at Hydrabad. Encouraged to purſue their deſigns by the impunity which attended their firſt acts of inſubordination after the publication of the Orders of the 1ſt of May, thoſe officers took the lead in exciting rebellion, and their example was ſoon followed by a large proportion of the officers of the Army. The firſt Memorial to the Government for the repeal of the Orders of the 1ſt of May, and the intelligence of the mutiny at Maſulipatam, reached the Preſidency about the ſame period of time. On a careful conſideration of the meaſures proper to be adopted in this conjuncture, it appeared to be adviſable to adhere to the principle which we had hitherto obſerved, of maintaining diſcipline by a firm, determined, and dignified exerciſe of the public authority. The events which had occurred at Hydrabad and Maſulipatam could not be viewed in an inſulated light. It was neceſſary to act regarding them with reference to their connection with the feelings of a large proportion of the Army, and to the general maintenance of the public authority. The Memorial from the officers at Hydrabad was of a moſt criminal nature, and demanded our ſerious notice; but as the officers profeſſed their willingneſs to execute their duty until they ſhould receive an anſwer to that Paper, it was expedient to poſtpone a conſideration of it until the more dangerous occurrences at Maſulipatam ſhould be brought to a ſatisfactory termination. The officers of this Garriſon were in open rebellion; it was indiſpenſably neceſſary to reduce them to order; and the means of accompliſhing that object, was a queſtion, the determination of which was attended with the greateſt difficulty: it was to be effected either by conceſſion, by force, or by purſuing ſuch a line of conduct as would

would avoid the danger of theſe two methods, and re-eſtabliſh order by the ordinary exerciſe of authority. Conceſſion, in the face of open mutiny, was inconſiſtent with every principle of Government, and entirely inexpedient, while any other means remained of removing the evil. To ſubdue the mutiny by force could be effected only by ſending a body of troops to Maſulipatam; but it was believed that this meaſure would precipitate the officers there, and at Hydrabad, and even in other parts of the Army, into open rebellion, a ſtate of things to be avoided until the laſt extremity. It was therefore judged adviſable to ſend to Maſulipatam an officer of rank, talents, and experience, veſted with full powers to adopt the moſt effectual meaſures for the reſtoration of order, an arrangement which appeared to promiſe ſucceſs, when it was conſidered that the ſoldiers had no intereſt in ſupporting the cauſe of their officers. We had hitherto continued to expect that the firmneſs of our meaſures, and the good ſenſe of the officers of the Army, would have finally ſucceeded in reſtoring order; but we were convinced by the failure of Lieutenant-Colonel Malcolm's miſſion, by the Addreſſes received from Hydrabad, and by the intelligence obtained from other quarters, that it was neceſſary to calculate on the poſſibility of the officers proceeding to the laſt extremities of rebellion, and to conſider the means of preventing, or finally of meeting, that arduous ſtate of things. The moderate courſe of conduct purſued by the Government, and which was founded on a favourable opinion of the loyalty of the Army, had failed, and we were reduced to the alternative of making the conceſſion demanded by the officers, or ſubduing them by force. [No. 2. B.] Gen. Letter, Secret Dep. 10th Sept. 1809.

28.—We conſidered conceſſion to the demands of the diſaffected officers to be pregnant with conſequences more dangerous to the public intereſts than any which could reſult from the moſt ſtrenuous efforts for the maintenance of our authority; conceſſion would have effectually confirmed the ſpirit of ſedition and inſubordination which pervaded the Army; it would have eſtabliſhed an aſcendant power in the Army uncontroulable by the Government, it would have ſtrengthened the preſumption, contempt for authority, and confidence in their power, which were but too prevalent in the Army, and, if it had not actually cauſed the ſubverſion of the Government, would have reduced it to a degree of weakneſs which would have led to the moſt fatal diſorders. Any attempt, even for the purpoſes of conciliation, in the exiſting ſtate of things, would have been productive of equally pernicious effects. To have endeavoured to conciliate at a time when the conduct of the Army demanded ſignal puniſhment, would naturally have produced the concluſion, that our meaſures were dictated by a conſciouſneſs of our weakneſs, and would in fact have borne the appearance of ſubmiſſion to the outrageous conduct and menacing language of the Army. Theſe conſiderations derived force from the peculiar nature of the demands of the Army. They required the repeal of orders iſſued by the Government for the puniſhment of officers who had committed great offences. The repeal of thoſe Orders would in fact have been an acknowledgment of their being either unjuſt, or of the Army having a right to ſkreen perſons from the puniſhment due to their offences. In either caſe, that meaſure would have transferred one of the moſt important rights of Government to the Army, and have made that body entirely independent of the law. We therefore reſolved, after mature reflection on all the conſiderations which entered into this moſt important queſtion, to avoid conceſſion, and to maintain the juſt right and powers of the Government by a firm exertion of its authority, and by a prompt employment for that purpoſe, of all the means at our command. This reſolution was alſo founded on a conſideration of the reſources at our diſpoſal for defeating the deſigns of the diſaffected officers, if they ſhould proceed to extremities. We knew that His Majeſty's troops were entirely loyal, and we calculated on having at our command a force ſufficient to overawe the diſaffected officers, or, if neceſſary, to reduce them by force.

29.—We were not inſenſible to the great reſponſibility which we ſhould encounter, in the execution of this reſolution, to maintain the authority entruſted to us unimpaired, but we entertained no doubt of the ultimate ſucceſs of that courſe of proceeding; and, as we have already ſtated, we were convinced that it would involve no conſequences which were not infinitely leſs dangerous to the national intereſts, than thoſe which would have inevitably reſulted from ſubmiſſion to the menaces of a revolted army.

30.—Having found it neceſſary to take into our contemplation, the poſſibility of the diſaffected officers proceeding to extremities, we loſt no time in making the military arrangements which would be requiſite, in that event, for the public ſecurity. Theſe arrangements were directed to the immediate objects of obtaining the ſervices (No. 17.)

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of the largeſt proportion practicable of His Majeſty's troops, and making ſuch a diſtribution of the Company's army, as would place it, to the greateſt poſſible extent, under the controul of His Majeſty's regiments. Although we had a conſiderable force of His Majeſty's troops at our command, we deemed it to be adviſable to apply to the Governments of Bombay and Ceylon, for the ſervices of ſuch proportions of His Majeſty's troops as could be ſpared by thoſe Governments. Arrangements were at the ſame time adopted, for making ſuch a diſtribution of the Company's troops, as would place the principal bodies of them at the ſame ſtations with His Majeſty's regiments, and divide the reſt into ſmall parties.

31.—The march of a battalion of the 10th regiment from Hydrabad, formed a part of thoſe arrangements. Three battalions had alſo been ordered to march from Travancore, where there was a preponderating force of the Company's troops. His Majeſty's 12th regiment was ordered to proceed to Seringapatam, in order to ſecure that important fortreſs, but having experienced great ſickneſs on its route, it was permitted to halt at Trichinopoly; it then became neceſſary to weaken the garriſon of Seringapatam, which was entirely compoſed of the Company's troops, in order to prevent them from maintaining themſelves in that large fortreſs. A battalion of Sepoys, and a company of artillery, were accordingly ordered to march from Seringapatam to Bangalore.

32.—The orders for all theſe movements of the Company's troops were iſſued on the 9th of July, but in conſequence of ſubſequent intelligence of the deſigns of the diſaffected officers, we found it neceſſary, on the 12th of July, to direct the diſpoſable troops in the centre diviſion, to encamp in the vicinity of Fort St. George, for the purpoſe of protecting the ſeat of Government, overawing the diſcontented officers, and placing ourſelves in a ſtate of readineſs for the proſecution of ſuch meaſures as might eventually become neceſſary.

33.—The officers at Hydrabad had now, in the manner already deſcribed, openly thrown off their allegiance, and declared that the whole Army had united with them, and the intelligence received from every other quarter confirmed the truth of their declaration.

34.—In this ſtate of things, it became imperiouſly neceſſary to adopt, immediately, either a courſe of conciliation and conceſſion, or to prepare to oppoſe the deſigns of the diſaffected officers by open force. The evils of the former courſe of proceeding were great and certain, and apparently irreparable, while it appeared to be probable, that a vigorous courſe of meaſures in ſupport of the authority of the Government, would either overawe the diſaffected officers, or force them into ſubmiſſion at an early period of time.

35.—In order, however, to be able to adopt a ſyſtem of vigorous meaſures, with hopes of early and decided ſucceſs, it was eſſentially neceſſary to aſcertain the real diſpoſition of all the troops under our authority, to ſecure immediately, on the ſide of the Government, the largeſt proportion practicable of the native troops, to remove from authority all officers who had imbibed ſentiments of ſedition, and to apprize the native troops generally of the deſigns, and deliver them from the influence of the diſaffected officers. The officers at Hydrabad had declared, that the whole Army were united in their cauſe, and the troops aſſembled by Government for the enforcement of its authority might be expected, in a ſituation of emergency, to join the revolted officers, and act againſt the State.

36.—Theſe conſiderations induced us, on the 26th of July, to adopt the reſolution of demanding from the officers of the honourable Company's ſervice a pledge of their fidelity to the Government, and of removing for a time from the exerciſe of authority, ſuch officers as ſhould refuſe to give that pledge. We were ſatisfied of the practicability of carrying this important meaſure into execution at all the ſtations to the ſouthward of the river Kiſtnah, without material difficulty or danger, as the Company's troops at moſt of thoſe ſtations were under the controul of His Majeſty's regiments.

(No. 18.) 37.—We accordingly, in circular Letters which we addreſſed on the 26th of July to the officers commanding the principal diviſions and ſtations of the Army, (who happened fortunately to be officers of His Majeſty's and the honourable Company's ſervice, on whoſe fidelity we could depend) encloſed copies of the Letter from the officers at Hydrabad to Lieutenant-Colonel Montreſor, announcing their determination

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nation to reſiſt the Orders of the Government for the march of the 2d battalion, 10th Regiment. We pointed out the indiſpenſable neceſſity which exiſted for the adoption of a courſe of meaſures of a moſt decided nature, as the plans of the diſaffected threatened either a civil war, or ſuch a blow to the power and conſtitution of the Government as would produce evils of the moſt fatal nature: we expreſſed the ſatisfaction which we derived from the gratifying reflection, that we might confidently rely on the diſcipline, zeal, and national attachment of His Majeſty's troops, together with a perſuaſion that a number of the Company's officers would be impreſſed with a ſenſe of the dangers which the infatuated conduct of a party of diſaffected men threatened to themſelves and to their country, and would avoid all participation in a courſe of proceedings of the deepeſt guilt, and pregnant with the moſt fatal calamities. We further pointed out to the officers commanding diviſions, the abſolute neceſſity which exiſted, at that alarming and unprecedented criſis, to employ all the means at our diſpoſal for the ſuppreſſion of a ſpirit of inſubordination, ſedition, and uſurpation, which menaced the ſubverſion of the Government. We informed them that theſe conſiderations, the actual ſtate of affairs, and the neceſſity of averting ſuch ſerious dangers, had rendered it requiſite that we ſhould aſcertain the principles and ſentiments of the officers entruſted with authority under us; that we did not ſuſpect individuals, but that when ſo great a proportion of the Army had manifeſted a determined ſpirit of revolt, we conſidered it to be eſſentially requiſite that the zealous and faithful ſhould be diſtinguiſhed from thoſe who were not diſpoſed to ſupport the authority of Government, and that the latter ſhould be no longer permitted to exerciſe functions which they were unwilling to employ in the ſervice of their country. Influenced by theſe reaſons, we directed them to aſſemble immediately, on the receipt of our inſtructions, all the European officers of the Company's ſervice, at their reſpective ſtations, to communicate to them the tenor of thoſe inſtructions, and to call on them to ſubſcribe the following Declaration:

"We, the under-ſigned Officers of the honourable Company's ſervice, do, in the "moſt ſolemn manner, declare upon our word of honour as Britiſh officers, that "we will obey the orders, and ſupport the authority of the honourable the Governor "in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we "hold from that Government."

39.—We farther directed, that ſuch of the officers as ſhould decline to ſubſcribe this Declaration, ſhould be forthwith removed from the execution of duty with the troops, and allowed to reſign, drawing their ordinary allowances at ſuch ſtations on the ſea coaſt as they might ſelect for their reſidence, between Sadras and Negapatam, until the ſtate of affairs, and the temper of their own minds, ſhould admit of their being again employed with advantage to the State. We added, that thoſe officers could have no reaſon whatever to complain of this meaſure, or conſider it a hardſhip, for they could not expect that the Government would entruſt them with an authority which they were not willing to employ in its ſupport.

39.—We farther inſtructed the officers in command of diviſions to aſſemble, after the execution of thoſe Orders, all the native officers, to explain to them with candour and confidence the grounds on which the Orders were iſſued; to inform them, that certain European officers, in purſuit of objects entirely perſonal to themſelves, had formed deſigns againſt the Government of the moſt criminal nature, and were deſirous of involving the native troops in the guilt and danger attending their execution; and to impreſs upon the minds of the native troops that their firſt duty was to the Government, and that they were to refuſe a belief to any ſuggeſtions calculated to miſlead their minds, or excite diſcontent. We further inſtructed the commanding officers to ſtate to the native officers, that the Government were more anxious to improve their ſituation than (as had been reported) to render it leſs favourable, and to recall to their minds the conſtant ſolicitude which the Government had manifeſted for their welfare; and, finally, to aſſure them, that the utmoſt confidence was placed in their diſcipline and fidelity; that the exiſting diſturbances would be ſoon compoſed; and that the Government entertained a firm purſuaſion that they would on no account violate the duty which they owed to the State.

40.—The officers commanding diviſions were finally apprized, that ſimilar inſtructions had been communicated to all the officers commanding diviſions of the army to the ſouthward of Kiſtnah.

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41.—As the Orders of the 26th of July very conſiderably influenced ſucceeding events, and materially contributed to the ſuppreſſion of the late diſorders, we think it proper to detail their immediate effects in the ſeveral diviſions of the Army.

42.—The Orders were carried into immediate and complete execution throughout the whole of the centre diviſion of the Army, including the garriſon of Fort St. George, the camp in the vicinity of Fort St. George, the garriſon of Vellore, and the ſeveral ſubordinate poſts. All the Company's officers (with the exception of the Staff, and a few others) having previouſly pledged themſelves to ſupport each other in their plans of ſedition, refuſed to ſign the Declaration; they were, in conſequence, immediately removed from the exerciſe of their military functions, and ordered to proceed with all practicable expedition to ſuch places on the ſea coaſt, between Sadras and Negapatam, as they might ſelect for their reſidence; officers of approved loyalty were attached to the corps.

43.—Lieutenant-Colonel Conran, commanding the troops at Fort St. George, Lieutenant-Colonel Hare, commanding the camp formed near the Mount, and Lieutenant-Colonel Lang, commanding at Vellore, carried this meaſure into effect with exemplary firmneſs and ability, and were ſupported in the moſt zealous manner by the troops. The native troops at all thoſe ſtations, on receiving the explanations which we had preſcribed in our Orders of the 26th of July, immediately recognized the obvious principles of duty which we had ſtated to them, and unanimouſly declared their firm determination to adhere to their allegiance to the State, to obey no orders but thoſe of the Government, and of the officers whom the Government might appoint to command them. The immediate reſult of the meaſure of the 26th of July in the centre diviſion was, that all the Company's troops were brought completely under the controul of the Government, and that every officer diſpoſed to diſobey its orders, or diſturb public order, was removed from the exerciſe of his functions.

(No. 18. & 19.)

(No. 20.)

44.—The ſame reſult took place in the Ceded Diſtricts, under the orders of Major General Croker. The Company's officers at Bellary, Gooty, and Cummum, were removed from authority, in conſequence of their refuſal to ſign the Declaration; officers of known zeal were appointed to ſupply their place, and the troops manifeſted the moſt unſhaken fidelity and attachment to the Government. Major General Croker's conduct on this emergency reflected great credit on his reſolution and zeal.

(No. 21.)

45.—Colonel Wilkinſon, commanding the ſouthern diviſion of the Army, carried the Orders of the 26th July into complete execution at Trichinopoly, where a greater number of the Company's officers adhered to their duty than at the other ſtations above mentioned; a conſiderable proportion, however, of the Company's officers declined to ſign the Declaration, and were removed from authority. Colonel Wilkinſon proceeded, in conformity to our Inſtructions, to Dendegul, Madura, and Pallumcottah, at the head of a reſpectable detachment of troops, and enforced the execution of the Orders of the 26th of July at theſe ſtations.

46.—It has already been ſtated, that Orders were iſſued on the 9th July for the march of three battalions from Travancore. Theſe Orders were alſo diſobeyed; the Company's officers having declared in a body to Lieutenant-Colonel Stuart, the officer commanding in Travancore, that as they perceived it was the intention of Government to detach and divide the native corps, for the purpoſe of placing them under the controul of His Majeſty's regiments, they would not yield obedience to the Orders for their march. Lieutenant-Colonel Stuart ſoon afterwards received our Inſtructions of the 26th of July, but he ſuſpended the execution of them, from an apprehenſion that the attempt might be attended with dangerous conſequences.

47.—Having, however, repeated our inſtructions in the moſt poſitive terms, and rejected, for obvious reaſons, a conditional Declaration which the officers in Travancore had tendered, Lieutenant-Colonel Stuart carried our Orders into complete effect, and removed nearly the whole of the Company's officers, who did not deny that they were involved in the criminal combination againſt the Government. The native officers and men in Travancore manifeſted the utmoſt ſteadineſs and attachment to the State, a circumſtance which proved, that the apprehenſions which had been induſtriouſly excited in the mind of Lieutenant-Colonel Stuart, were without foundation.

(No. 36.)

(No. 36.)

48.—Lieutenant-Colonel Forbes, commanding in Malabar and Canara, alſo took upon himſelf to ſuſpend the enforcement of the Orders of the 26th July, and had been

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been induced to accept from the officers a qualified Declaration, entirely incompatible with the object of the Declaration prescribed by those Orders. Colonel Forbes, however, on receiving a repetition of our Orders, carried them finally into effect, with the same success which attended their execution at the other stations which we have mentioned.

49.—In the several military divisions above specified, our Orders of the 26th July were carried into complete effect, although in some cases, owing to the indecision of commanding officers, with considerable delay; and the result of those Orders fully corresponded with our views in issuing them. Greater difficulties were, however, found to attend their execution in Myfore, in the northern division, and at Hyderabad.

50.—Colonel Davis, the officer commanding in Myfore, had proceeded from (No. 22.)
Bangalore (his usual Head-quarters) towards Seringapatam; and the troops which on the 9th of July we ordered to march from Seringapatam to Bangalore, delayed their movements until the 20th, and then refused to leave that place. Lieutenant-Colonel Gibbs, the senior officer at Bangalore, suspended in the first instance the execution of our Instructions of the 26th July. On receiving a repetition of those Orders he carried them into effect, but after a delay which might have occasioned considerable embarrassment. Colonel Davis was at Myfore, in the vicinity of Seringapatam, when the Orders of the 26th of July reached him: the fortress of Seringapatam was then occupied by a small party of the 80th Regiment, two companies of Artillery, and two battalions of Sepoys, under the command of the senior officers, Lieutenant-Colonel John Bell.

51.—A considerable degree of agitation had prevailed for some time among the (No. 23.)
officers of that Garrison, originating in the seditious spirit which obtained in the Army. The officers having received a vague report, arising possibly from the disposition of the native corps, which had been apprized of the intention of Government, to adopt some measures with regard to the European officers; and having been apprized also of the refusal of the officers of the Hyderabad force to allow of the march of the battalion of the 10th Regiment, they declared their determination not to permit the march of the native battalion and company of artillery, which had been ordered to move from Seringapatam to Bangalore. Lieutenant-Colonel Davis (No. 24.)
proceeded immediately, on the receipt of our Instructions of the 26th of July, from the Residency at Myfore, where he was residing in a state of extreme ill health, into the fort of Seringapatam, but found the Garrison in a state of ferment and agitation, which rendered it entirely inexpedient to attempt to carry his Orders into immediate execution, especially as he was unsupported by a commanding force of His Majesty's troops. It was, however, soon understood in the fort that Lieutenant-Colonel Davis had received the orders of the Government for the removal of the officers, and great confusion in consequence prevailed.

52.—The proceedings of the officers of the Garrison soon assumed the appearance of open rebellion. They intimated to Lieutenant-Colonel Davis, that he would not (No. 25.)
be allowed to leave the fort, and required of himself and his Staff to confine themselves to the house in which they resided.

53.—The officers then proceeded, on the 30th of July, to seize the public trea- (No. 26.)
sure belonging to the department of the acting collector, Mr. James A. Casamajor, to whose spirited remonstrance they paid no attention, and on the same evening intimated to Lieutenant-Colonel Davis, in reply to his representation, that he might (No. 27.)
quit the fort, provided he would promise to make no attempt against them; they further informed him that his detention had been unintentional, and that the guard placed over him was meant as a mark of respect. Lieutenant-Colonel Davis immediately returned to Myfore, but without acceding to the promise which the officers had attempted to exact from him.

54.—On the following day Lieutenant-Colonel Davis sent the Declaration prescribed by our Orders of the 26th July, to Lieutenant-Colonel Bell, as senior officer, with instructions to tender it to the officers of the Garrison for their signature, and in the event of their refusal, to endeavour to prevail on them to accept the option allowed by these Orders, of returning from the exercise of their military functions, until circumstances should admit of their resuming them with honour to themselves and advantage to their country.

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55.—Lieutenant-Colonel Bell returned the Declaration with his own ſignature affixed to it, as ſtated; that he had loſt all authority over the Garriſon, but at the ſame time expreſſed his intention of remaining in the fort, as long as he conceived his preſence might be of ſervice to the State; Lieutenant-Colonel Davis received Lieutenant-Colonel Bell's ſignature to the Declaration with ſentiments of the higheſt ſatisfaction, and acquainted him, that Mr. Cole, the acting reſident, and himſelf, would be happy to receive him whenever he thought proper to leave the fort; Colonel Bell, when he returned the Declaration with his own ſignature, ſtated, that the officers of the Garriſon had unanimouſly rejected it, and had ſubſcribed inſtead of it, a Paper of a moſt mutinous and ſeditious tendency, declaring, that they would not obey the orders or ſupport the authority of Sir George Barlow.

56.—The conduct of Lieutenant-Colonel Bell, had previouſly been by no means ſatisfactory, and it appeared that at the commencement of the mutiny of Seringapatam, he had acted, after the ſubverſion of his authority as Commanding Officer, as a member of a Committee, which had aſſumed the controul over the Garriſon under the appellation of the Committee of Safety.

57.—On the receipt of his ſignature to the Declaration, Colonel Davis concluded, however, that he had determined to withdraw himſelf from the ſeditious proceedings of the Garriſon, and gave him credit for the utmoſt ſincerity in ſubſcribing ſo ſolemn a pledge of allegiance to the Government of his country.

58.—On the 31ſt of July the Garriſon drew up the draw-bridges of the fort, and cut off all communication with the country, they ſeized the Paymaſter's caſh cheſt, containing about 10,000 Pagodas, and detached a party of troops, which intercepted and ſeized a ſum of 30,000 Pagodas, which was on its way to the Paymaſter from the Ceded Diſtricts.

59.—Theſe acts of violence and outrage, induced the acting reſident Mr. Cole, in concert with Lieutenant-Colonel Davis, to apply to the Government of His Highneſs the Rajah of Myſore for aſſiſtance, and to adopt ſuch precautions as might be neceſſary to prevent an attempt on the part of the mutineers to ſeize the fort of Myſore and the perſon of His Highneſs the Rajah.

60.—On the 2d of Auguſt, the Garriſon detached a body of troops with guns for the purpoſe, it was ſuppoſed, of meeting and eſcorting into the fort two battalions, which they had called from Chittledroog; and on the 3d, they ſent out of the Garriſon the party of His Majeſty's 80th Regiment, with orders not to proceed to Myſore; the party however reached Myſore by a circuitous route.

61.—It now became evident that the officers of the garriſon of Seringapatam, had reſolved to perſevere in a courſe of open rebellion to the authority of the Government, and that the adoption of the moſt vigorous meaſures was abſolutely neceſſary to reduce them to obedience.

62.—Upon this trying and unprecedented occaſion, Poorniah, the Dewan of the Rajah of Myſore, afforded to the reſident that ready and cordial ſupport which might have been expected from his known fidelity and attachment to the Britiſh Government. A body of 3,000 Silladar horſe, which had previouſly received orders to hold itſelf in readineſs, was directed to inveſt the fort, and to cut off all its ſupplies, and the whole of the reſources of the Myſore Government were immediately placed at our diſpoſal.

63.—Lieutenant-Colonel Gibbs, the ſenior officer at Bangalore, had been directed by Lieutenant-Colonel Davis to proceed with a part of his force towards Seringapatam, but in conſequence of the delay, which we have already ſtated had occurred in the execution of our Orders of the 26th July at Bangalore, and a want of money to pay the troops, this officer had not been able to comply with Colonel Davis's requiſition. Colonel Davis had received intelligence that the battalion of Native Infantry ſtationed at Chittledroog had plundered the Rajah's treaſury at that place to the amount of about 18,000 Pagodas, and that this corps, together with a battalion of the 8th regiment of Native Infantry, then on its march from Bedenoor to the centre diviſion, having been ſummoned by the officers in Seringapatam to join them, had actually commenced their march to effect a junction with the troops compoſing that Garriſon.

64.—It appearing that the objects of the diſaffected officers were to aſſemble in the

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the firſt inſtance a large force at Seringapatam, in order to enable them to maintain that fortreſs againſt the troops of the Government, until the force at Hydrabad ſhould march into the Carnatic, and afterwards to concentrate at Seringapatam all the native battalions in Myſore and the adjoining diviſions, for the purpoſe of ſtrengthening their meaſures of oppoſition to the public authority; Colonel Davis determined, at all hazards, to intercept any corps that might attempt to move towards Seringapatam, and to make every poſſible exertion to deprive the Garriſon of an acceſſion of force, which might enable them not only to maintain themſelves in the fort, but to commence offenſive operations againſt the ſubjects of his Highneſs's Government.

65.—A detachment conſiſting of 1,500 Peons, and 3,000 Selladar horſe, was conſequently ſent to impede the progreſs of the two battalions, which were expected from Chittledroog, and poſitive inſtructions were tranſmitted to Colonel Gibbs, who had at length carried the Orders of the 26th July into execution, to move with the whole of his force, with the exception of a ſmall detachment to be left at Bangalore, with all practicable expedition to Seringapatam.

66.—Lieutenant-Colonel Bell, in violation of the ſolemn pledge which he had given to adhere to his duty, remained in the fort, and afforded the ſanction of his authority to the outrageous and rebellious conduct of the Garriſon, but Mr. Cole and Lieutenant-Colonel Davis ſtill entertained a hope that he had been induced to remain by the conſideration ſtated in his Letter to them, or that he had been detained and confined by the Garriſon.

67.—On the 6th Auguſt, however, Colonel Davis received from Lieutenant-Colonel Bell a Letter, in which he affected to conſider the fortreſs of Seringapatam to be in danger of an attack from the Myſore Government; and ſtating, that as he was in poſſeſſion of the fort and iſland, it became his duty to his King and Country not to deliver it up but to legal authority, and he therefore requeſted that this intention might be communicated to the Governor-General. It was difficult to diſcover the real object of this Addreſs. Colonel Bell, at the ſame time, diſpatched a Letter to the Dewan, complaining of his preventing proviſions from paſſing into the fort of Seringapatam, accuſing him of having broken the treaty with the Britiſh Government, and threatening him with vengeance, if he perſevered in his operations againſt the Garriſon.

68.—In anſwer to this Letter, Pooniah, with great propriety, referred him to the Reſident, as the proper channel of communication with the Myſore Government. This anſwer, it is ſuppoſed, led to the meaſure adopted by the officers, of placing a guard over the Dewan's houſe in the fort, in which the whole of his private property, and part of the Rajah's, was depoſited.

69.—The party of Myſore troops which had been diſpatched under the command of Ram Row, an able and ſpirited officer of the Myſore Government, to meet the battalions advancing from Chittledroog, fell in with thoſe corps at the diſtance of about thirty miles from Seringapatam.

70.—Captain Mackintoſh, the officer in command of the battalion, requeſted a conference; in conſequence of which Ram Row waited upon him, and informed him, that he had received orders from his Government, to prevent the advance of the detachment to Seringapatam.

71.—Captain Mackintoſh informed Ram Row, that he was at liberty to act as he might judge proper, but that he was determined not to draw his ſword, or adopt any offenſive meaſures. Upon this communication Ram Row applied to Mr. Cole for orders, and received in reply poſitive inſtructions from that officer and Lieutenant-Colonel Davis, to uſe every exertion to impede the advance of the battalions until he ſhould be joined by the force from Bangalore.

72.—Ram Row was, however, directed, before he proceeded to meaſures of hoſtility againſt the battalions, to communicate to the officer commanding them, a Paper, ſigned by Mr. Cole and Colonel Davis, and ſtating, that the further advance of the corps would not be permitted; that the officers muſt either ſign the Declaration preſcribed by the Orders of the Government of the 26th July, or accept the alternative of withdrawing from the exerciſe of their military functions; that any attempt to advance would be reſiſted by the troops under the command of Ram Row, and by the force from Bangalore, under the command of Lieutenant-Colonel Gibbs; and finally, that if, after the receipt of this communication, they ſhould attempt to proceed

[No. 2. B.] towards Seringapatam, Ram Row had received the moſt poſitive orders to oppoſe their advance, and to conſider them as enemies of the Britiſh Government.

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73.—Ram Row was alſo furniſhed with tranſlations of our General Orders of the 3d Auguſt, which he was directed to diſtribute among the troops.

74.—The detachment under Lieutenant-Colonel Gibbs, conſiſting of His Majeſty's 25th regiment of Light Dragoons, the 5th regiment of Native Cavalry, His Majeſty's 59th Regiment, and a battalion of the 3d regiment of Native Infantry, and a company of Artillery, had arrived in the vicinity of Seringapatam, and had encamped within three miles of the fort, on the 10th Auguſt.

75.—Notwithſtanding the poſitive and repeated Orders communicated to the officers commanding the battalions from Chittledroog, they perſiſted in their advance, to join the revolted troops at Seringapatam, and compelled the Britiſh Authorities to prevent their entrance by force.

76.—The details of the action which followed between theſe battalions and the troops under the command of Colonel Gibbs and the Myſore Horſe, are contained in the Reports of that officer, and of Lieutenant-Colonel Davis.

77.—It appears that about 200 of the Sepoys are killed and wounded, the reſt diſperſed, and moſt of them made their way into the fort; Captain Mackintoſh was wounded and taken priſoner, and Lieutenant Beſt, of the 8th regiment of Native Infantry, died the night after his arrival in the fort, in conſequence of fatigue. In Lieutenant-Colonel Gibbs's detachment, the only caſualties which occurred was, Lieutenant Jefferies, of the 25th regiment of Dragoons, ſlightly wounded, and one horſe of the 25th Dragoons killed, and one wounded.

78.—During the engagement, the fort cannonaded Colonel Gibbs's camp, and a party under Lieutenant-Colonel Robert Munro, with 10 guns, made a ſally, but was driven back by Captain Bean, of the 25th Dragoons, who commanded the troops left for the protection of the camp.

79.—During the night, the Garriſon kept up a heavy fire, and bombarded the camp, but with little effect, a few followers and horſes having been killed and wounded; and on the morning of the 12th, Lieutenant-Colonel Gibbs changed his ground for a greater diſtance from the fort, and delivered over the command of the force to Colonel Davis, who, although labouring under ſevere indiſpoſition, with that zeal and ardor which has ſo eminently marked his conduct during the late tranſactions, proceeded from Myſore, and eſtabliſhed his Head-quarters in camp.

80.—It appeared, from the report of the priſoners (which has been ſubſequently confirmed) that the officers had, by miſrepreſentations, deluded the unfortunate men under their command, and had ſucceeded in perſuading them, that the Dewan of Myſore was in rebellion, and that they were marching, in concert with the European force from Bangalore, for the purpoſe of ſecuring the fort of Seringapatam for the Britiſh Government.

81.—In conſequence of the critical ſtate of affairs in Hyderabad, we deemed it expedient to appoint Colonel Cloſe to the command of the ſubſidiary force, under a conviction, that his rank, eminent talents, and diſtinguiſhed character, would contribute moſt eſſentially to re-eſtabliſh diſcipline and ſubordination in that force.

82.—We diſpatched to that officer, and to Major-General Pater, commanding the northern diviſion of the Army, copies of the Orders of the 26th of July, leaving it to the diſcretion of theſe officers to carry the Orders into execution or not, as circumſtances might render adviſable.

83.—General Pater did not deem it expedient to attempt the execution of the Orders at Maſulpiatam, under an apprehenſion, as he ſtated, that he would have aggravated the ſpirit of revolt which reigned in that Garriſon.

84.—Conſiderable apprehenſion had been excited in the minds of the officers of the Hyderabad ſubſidiary force, by the appointment of Colonel Cloſe to the command of that force, as his appointment was aſcribed by the officers to a deſign on the part of the Government of employing his influence with the native troops, for the purpoſe of ſeparating them from the European officers.

85.—While Colonel Cloſe was on his way to Hyderabad, he received a Letter from

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from the officers of the Hyderabad force; in which they intimated that his ſervices were not required, in a military capacity, as commandant of the force; but that in conjunction with Lieutenant-Colonel Malcolm, he might be uſeful at the Preſidency in promoting the cauſe of the Army. They therefore recommended him to purſue his journey to Madras, but in any event to halt at one ſtage from Hyderabad. A paper of Propoſals containing four articles, which they termed their Ultimatum, and which was ſimilar to the Paper which had been tranſmitted by them to the Government, was ſubjoined to their Letter.

86.—Colonel Cloſe arrived at Hyderabad on the 3d of Auguſt, and determined to loſe no time in carrying the Orders of the 26th July into effect.

87.—As preparatory to the execution of this meaſure, he reſolved to place himſelf at the head of the troops, and to endeavour to eſtabliſh his authority over them.

88.—For the details of Colonel Cloſe's proceedings on the 3d of Auguſt, with a view to the accompliſhment of that object, we beg leave to refer your honourable Committee to his Report of that date.

89.—On the day following a Letter was addreſſed by the officers of the ſubſidiary force to Colonel Cloſe, ſtating that his conduct in the execution of the Orders of Government being highly prejudicial to that confidence which ſubſiſted between the Sepoys and their officers, and ſubverſive of that diſcipline which they were anxious to maintain; they required him to depart from Hyderabad in the courſe of that day, intimating, that on the event of his refuſal, more unpleaſant and deciſive meaſures would be adopted with regard to him.

90.—For the reaſon ſtated in his Letter of the 4th of Auguſt, Colonel Cloſe left Hyderabad and retired ſlowly towards Pooniah.

91.—The zealous and ſpirited exertions of that highly diſtinguiſhed officer on this trying occaſion, although they failed in their object of immediately eſtabliſhing his authority over the force, produced the moſt ſalutary impreſſion on the minds both of the officers and men, and eſſentially contributed to the favourable and important reſult which ſoon afterwards occurred.

92.—The officers at Hyderabad could have no doubt of the general objects which the Government had in view in the appointment of Colonel Cloſe to the command of the ſubſidiary force; that they were aware that they had already incurred the penalty of mutiny and rebellion, they were bound to ſupport what was termed the cauſe of the Army, by the moſt ſolemn pledges, they had in fact been the inſtigators of rebellion throughout the Army, which looked up to them for ſupport; and they felt that if Colonel Cloſe were allowed to aſſume the command of the force, his well-known character, and perſonal weight and influence with the native troops, would ſpeedily remove the veil which they had drawn over their own conduct, and by opening the eyes of the Sepoys to the guilt and deſtruction in which their officers were endeavouring to involve them, at once defeat their plans.

93.—With the view of preventing this reſult, and maintaining their influence over the minds of the troops, various miſrepreſentations were circulated among them. Private information was received, that the men were told that it was the intention of Government to diſband half the battalions, to reduce the pay of both officers and men, and in the event of reſiſtance being made to theſe arrangements, that the King's troops would be ordered to march againſt them, and put them all to the ſword. The men were at the ſame time aſſured that their officers were determined to protect them, to ſtand by them to the laſt, and to aſſiſt them in oppoſing the unjuſt and arbitrary decrees of a Government equally hoſtile to them all. Other arguments of this nature were employed to miſlead and irritate the minds of the native troops, and they were particularly cautioned againſt Colonel Cloſe, who they were informed was charged with the execution of theſe obnoxious meaſures.

94.—The moſt vigilant exertions were alſo employed by the officers, to ſuppreſs and keep from the knowledge of the men, the General Orders and Proclamations which we had deemed it expedient to addreſs to the native troops, and alſo to conceal from them the line of conduct adopted by the native officers and men at the other ſtations of the Army.

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95.—Under theſe circumſtances, and at the ſame time awed by the preſence, and probably by the threats of their officers, it cannot be matter of ſurpriſe that the men ſhould have reſiſted at the moment the ſtrenuous endeavours of Colonel Cloſe to eſtabliſh his authority over them. But the deep impreſſion which the conduct of Colonel Cloſe on the 8th Auguſt produced on their minds, ſoon became apparent: it induced them to reflect upon the ſituation of affairs; it diſcovered to them the real views and deſigns of their officers; and we are perſuaded, that its immediate effects eſſentially contributed to the early ſubmiſſion of the officers, by convincing them that the men would not join in their plans of revolt.

96.—Upon the departure of Colonel Cloſe from Hyderabad, the Committee at that ſtation diſpatched a requiſition to the detachment at Jaulnah to join them without delay. Several applications to the ſame effect had been previouſly made to the detachment at Jaulnah, with which they had not however thought proper to comply.

97.—The ſpirit of rebellion appeared to break out now among all the Company's troops which had not been ſecured on the ſide of the Government by the operation of our Orders of the 26th July, and daily manifeſted itſelf in open acts of violence, outrage, and revolt.

98.—The officers at Hyderabad, in addition to their requiſitions to the troops at Jaulnah, ſummoned the corps at Maſulipatam, and in the northern Circars, to join them with all expedition; and no doubt can be entertained that they had reſolved to perſevere in the guilt of rebellion, and to march into the Carnatic for the purpoſe of ſubverting the Government.

99.—The troops at Maſulipatam continued in a ſtate of open mutiny, and had actually made the neceſſary preparations for their march towards Hyderabad. (No. 38.)

100.—A Garriſon Order directing the troops to hold themſelves in readineſs to march, and Orders to the different departments to prepare the neceſſary equipments for their accommodation, were iſſued by Major Storey as ſenior officer. (No. 38.)

101.—The officers of the 1ſt battalion of the 24th Regiment at Ellore, ſeized the perſon of their Commanding Officer Lieutenant-Colonel Fletcher, who had formed a plan to remove them from the exerciſe of the military functions, and drove him from the place.

102.—This zealous and ſpirited officer had aſcertained, that the whole of the officers of his battalion were hoſtile to the authority of the Government, and had entered into the rebellious combination which pervaded ſo large a proportion of the Army. He accordingly determined to remove them from the exerciſe of authority, and by theſe means to ſecure the fidelity of his corps; and he would have ſucceeded in the execution of this determination, but for the treachery of his native adjutant, to whom he had communicated his intention, and who betrayed him to the officers.

103.—The battalions at Samulcottah, Chicacole, and Vizagapatam, had ſeized the public treaſure in their reſpective diſtricts, and commenced their march to the ſouthward, for the purpoſe of joining the Hyderabad ſubſidiary force, and the Garriſon of Maſulipatam.

104.—The garriſon of Seringapatam continued in a ſtate of active hoſtility againſt the troops of the Government, and it was concluded that the force at Jaulnah would commence their march immediately to join the rebellious troops at Hyderabad, and in the northern Circars.

105.—A large proportion of the officers of the Company's ſervice had now placed themſelves in a ſtate of declared rebellion to their country; and in ſituations where they ſtill retained the command of their corps, they had employed miſrepreſentation, ſeduction, promiſes, and threats, to engage their men to ſupport them, and had actually commenced a civil war. (No 36 and 39.)

106.—Having found that meaſures of moderation and forbearance were entirely nugatory, that we had appealed in vain to the diſcipline, duty, national attachment, and profeſſional honour of the Company's officers; that, on the contrary, the ſpirit of rebellion was daily gaining ground, and threatened the moſt calamitous conſequences to the Britiſh empire in India; we felt ourſelves compelled to have recourſe to the moſt vigorous and decided meaſures for the preſervation of the State, and to prepare

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prepare even for the employment of a military force for the ſuppreſſion of this daring and unprecedented revolt. In this arduous ſituation, it was a moſt gratifying circumſtance, that the diſtinguiſhed zeal and loyalty of His Majeſty's troops, and of a conſiderable number of the moſt reſpectable of the Company's officers, the favourable reſult of the decided meaſures which we had already adopted, and the timely aſſiſtance which we received from the Governments of Ceylon and Bombay, enabled us to make the moſt efficient arrangements for the prompt ſuppreſſion of this unnatural rebellion.

107.—The operation of the Orders of the 26th of July had ſecured the ſervices of all the native troops to the ſouthward of the river Kiſtnah, with the exception of the garriſon of Seringapatam; and in addition to His Majeſty's regiments ſerving on this Eſtabliſhment, a regiment of European infantry had arrived from Bombay, a large proportion of two regiments, and a detachment of Royal Artillery from Ceylon, and another of His Majeſty's regiments was on its march from Goa.

108.—The only troops in rebellion which could oppoſe reſiſtance in the field to the Britiſh forces, were thoſe at Hydrabad, Jaulnah, and in the northern diviſion of the Army; and it appeared to be indiſpenſably requiſite, that a conſiderable body of troops ſhould be put in motion towards Hydrabad, for the purpoſe of reducing the force there at the earlieſt practicable moment, of preventing their march to the ſouthward, in the event of their having determined to adopt that courſe of proceeding, of maintaining tranquillity in the dominions of his Highneſs the Nizam, of preventing the incurſion of any of the large bodies of predatory horſe which were aſſembled on our northern frontier, and generally, of acting in ſupport of the intereſts of the State, as circumſtances might dictate.

109.—Arrangements were accordingly made for the formation of a force in the Ceded Diſtricts, of 12,000 men, of which upwards of 4,000 conſiſted of Europeans, and it was intended to place this force under the command of Colonel Cloſe, who was returning ſlowly from Hyderabad, in order that he might be in readineſs to join it. A reſpectable force under the command of Lieutenant-Colonel Davis blockaded Seringapatam, and maintained the public authority in Myſore. (No. 40.)

110.—A conſiderable detachment was formed in the ſouthern diviſion under Colonel Wilkinſon, and put in motion towards Tinnevelly, for the purpoſe of ſecuring tranquillity in Travancore; and an efficient force, under the command of Lieutenant Colonel Hare, was retained in the vicinity of the Preſidency, in order to protect the ſeat of Government, and be in readineſs to ſupport the public authority in any other quarter. (No. 39)

111.—Theſe arrangements were conducted by the officers to whom they were entruſted, with the greateſt zeal and energy, and were calculated to ſuppreſs the rebellion at an early period of time.

112.—Lieutenant-Colonel Conran, with the force * placed under his command, commenced his march from the Mount on the 13th of Auguſt. This force proceeded to Gootty, the point of junction with the troops from Goa and the Ceded Diſtricts.

* 400 of H. M. 22d Dragoons; the 7th N. Cavalry; and 2 Squadrons of Horſe Artillery, with the Gallopers; H. M. 2d Battalion Royal; H. M. 66th and 89th Regiments; 2d Battalion 8th and 1ſt Battalion 20th N. I.; one hundred and fifty of the Royal Artillery.

113.—We judged it to be expedient, at this momentous juncture, to publiſh to the Army a General Order (dated the 12th of Auguſt) ſtating the meaſures of moderation and forbearance which we had purſued, with reſpect to the diſaffected officers, the obſtinate and criminal perſeverance of thoſe officers in a courſe of ſedition and revolt, and the neceſſity which was impoſed on us, of adopting the moſt ſtrenuous and determined meaſures for the maintenance of the public authority, and the preſervation of the national intereſts.

114.—We have already ſtated, that the native troops, at all the ſtations where the preſence of His Majeſty's Regiments facilitated the enforcement of our Orders of the 26th July, manifeſted the moſt unſhaken fidelity to the State; but as theſe Orders could not be carried into effect at Hydrabad, Joulnah, and in the Northern Diviſion, the Sepoys, ignorant of the real ſituation of affairs, continued under the influence and controul of their European officers.

115.—We, however, omitted no ſuitable means of rendering the whole of the Native Army acquainted with the real deſigns of their European officers; a General Order was publiſhed for this purpoſe, on the 3d of Auguſt, ſtating, that we judged it proper

[No. 2. B.] (No. 34.) Gen. Letter, Secret Dep. 10th Sept. 1809.

to announce to the native troops, that the very improper conduct of ſome of the European officers of the Company's ſervice, and the refuſal of others to acknowledge their allegiance to the Government, had rendered it indiſpenſably neceſſary to remove, for a time, a conſiderable number of European officers from the exerciſe of authority. That this meaſure, however, would not in any reſpect affect the ſituation of the native troops, who muſt know, that their firſt duty is to the Government which they ſerve, and from which all authority is derived. That we continued to entertain the ſame ſolicitude for the welfare and comfort of the native troops, which had been invariably manifeſted by the Britiſh Government. That we had no intention of making any change in their ſituation, and that we expected the native troops would diſplay, on every emergency, the unſhaken fidelity to Government, which conſtitutes the firſt duty of a ſoldier; that they would obey with zeal the orders of the officers whom the Government might place in authority over them; that they would refuſe a belief to all reports calculated to agitate their minds, and diminiſh their confidence in the Government; and that they would not allow themſelves to be involved in meaſures in any reſpect adverſe to their duty and allegiance.

116.—We concluded by expreſſing our approbation of the good conduct which had been recently manifeſted by the native troops at the Preſidency, in the camp, at the Mount, at Trichinopoly, and Vellore; and by declaring our confidence, that their behaviour would be equally correct and loyal at all other ſtations of the Army. Tranſlations of this Order were circulated, and communications were made to all the native corps, calling upon them to adhere to their allegiance and duty.

(No. 34.)

117.—A Proclamation was alſo iſſued on the 9th of Auguſt, declaring that all troops, moving without orders, were to be conſidered to be in open rebellion againſt the Government, and to be oppoſed accordingly, by all civil and military officers.

118.—Theſe meaſures produced the moſt beneficial effects, and, together with the impreſſion made by Colonel Cloſe's exertions at Hydrabad, on the 3d of Auguſt, induced the native troops there to expreſs to their officers, their determination to adhere to their allegiance to the Government, and not to march without our orders. This circumſtance, combined with the advance of the large force in movement towards Hydrabad, and our declared determination to maintain our authority, diſcovered to the officers the deſperate ſituation in which they were involved. In a private Letter of the 6th of Auguſt, from the Reſident at Hydrabad to the military ſecretary of our Preſident, it was ſuggeſted, that a general amneſty would induce the force to return to their allegiance, as they now ſaw nothing but ruin could attend their further perſeverance in their criminal courſe of proceeding. Any intention, however, of granting an amneſty, or of liſtening to any terms but unconditional ſubmiſſion to authority, was diſtinctly diſavowed in our Preſident's reply to Captain Sydenham.

119.—On the 11th Auguſt the whole of the officers of the ſubſidiary force ſpontaneouſly ſubſcribed the Declaration of the 26th July, offered their unconditional ſubmiſſion to the authority of the Government, and, in an Addreſs to the Right honourable the Governor-General (whoſe arrival was daily expected at the Preſidency) expreſſed a hope, that his Lordſhip would be pleaſed to grant a general amneſty to the Army, for the part they had taken in the late irregularities. They, at the ſame time, circulated to ſeveral of the ſtations of the Army, a Paper, ſtating that imperious circumſtances and mature reflection had induced them to ſign the Declaration, and that they earneſtly entreated their brother officers to follow their example, and ſubmit to the authority of the Government.

120.—An Addreſs of the moſt violent and intemperate nature, dated the 7th of Auguſt, had been received by us from the garriſon at Maſulipatam. The events, however, which took place at Hydrabad, on the 11th of Auguſt, ſoon opened the eyes of that Garriſon to a ſenſe of their ſituation.

121.—We have already ſtated, that at an early ſtage of the mutiny at Maſulipatam, we had authorized the grant of a Pardon to the men, with the view of ſeparating their cauſe from that of their officers; but that Lieutenant-Colonel Malcolm had not judged it to be expedient to carry that meaſure into effect.

122.—The Orders of the 26th of July had been tranſmitted to Major-General Pater, but, as we have before obſerved, that officer abſtained from making any attempt to carry them into execution.

123.—Although

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123.—Although the men were not originally diſpoſed to deviate from their duty, it was probable that the ſcenes of irregularity in which they had now been ſo long engaged, would have almoſt eradicated from their minds all ſenſe of ſubordination; we nevertheleſs were not without hopes that they might ſtill be recalled to their duty, and were of opinion that a proclamation of Pardon might induce them to ſubmit to the authority of the Government, and ſave themſelves from the puniſhment due to their crimes. We accordingly repeated our inſtructions on this ſubject to Major-General Pater, who having paraded the troops, made a tender of Pardon to the non-commiſſioned officers and privates of the Madras European regiment, and to the native commiſſioned, non-commiſſioned officers and privates of the 2nd battalion 19th regiment Native Infantry, upon condition that they would ſupport his authority, and return to their duty to the State. This offer, however, was generally rejected, with a conſiderable degree of clamour, becauſe their officers were not included in the Pardon.

124.—From the confidence with which the officers allowed General Pater to communicate with the men, it may be concluded that they had fully prepared them for the occaſion, and that they had completely ſucceeded in extinguiſhing in their minds all ſenſe of duty and diſcipline.

125.—On the 16th of Auguſt, however, the officers at Maſulipatam having received intelligence of the ſubmiſſion of the Hydrabad ſubſidiary force, Major Storey and Captain Andrews addreſſed a Letter to General Pater, ſtating, that the time was arrived when they found that they could no longer oppoſe the authority of the Government without injury to the intereſts of their country; that they therefore invited him to aſſume the command of the Garriſon, and pledged themſelves, upon their honour, to obey all his commands, and ſubmit entirely to his authority. On the ſame day General Pater proceeded to the fort, for the purpoſe of aſſuming the command, and of receiving the ſignatures of the officers to the Declaration of Allegiance.

126.—General Pater found the Garriſon in a ſtate of the greateſt agitation, ariſing from the apprehenſion, on the part of the men of the Madras European regiment, that this ſudden change in the conduct of the officers, and their readineſs to ſign the Declaration, indicated an intention of deſerting their cauſe, and of abandoning them to puniſhment; General Pater, in conſequence, judged it to be expedient not to preſent the Declaration to the officers for ſignature, and to reſt ſatisfied with the willingneſs which all of them had manifeſted to ſubſcribe it.

127.—The agitation, however, continued among the men; they aſſembled tumultuouſly, and threatened to ſhoot any officer who ſhould offer to ſign the Declaration. General Pater ſtates, that not knowing to what extremes this agitation might lead, and apprehenſive of the occurrence of a ſcene of diſorder, he was induced to yield to the clamours of the ſoldiery, and promiſe, in the name of the Government, a general Pardon to both officers and men.

128.—This proceeding pacified the men for the moment, but they ſtill were unable to account for the ſudden change in the plans of their officers, and continued to apprehend ſome concealed treachery towards themſelves.

129.—The confuſion and diſorder prevailed during the whole of the next day, and 180 men of the European Regiment, with a few artillery-men, came to the determination of proceeding to Madras. To this reſolution General Pater appears to have given his conſent, and the party marched under charge of officers who were ſelected by the men, and who were permitted by General Pater to accompany them. After the departure of this Detachment, tranquillity and ſubordination were completely reſtored in the Garriſon, and the whole of the officers ſigned the Declaration.

130.—The treaſure which had been ſeized at Cocanada was reſtored by the officers who had taken poſſeſſion of it, on finding, as they ſtated, that the general oppoſition of the Army to the meaſures of the Government ought no longer to exiſt.

131.—The firſt battalion of the 11th Regiment alſo returned to Samulcottah, and the officers ſigned the Declaration.

132.—All the officers in the Northern Diviſion followed the example of the Garriſon of Maſulipatam, and ſigned the Declaration ſucceſſively, as intelligence reached them of the ſubmiſſion of the Hyderabad force.

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133.—Major-General Pater took upon himſelf to extend the Pardon, which he had granted to the Garriſon of Maſulipatam, to all the officers in the Northern Diviſion. We conſidered it our duty, however, to loſe no time in diſtinctly diſavowing the Pardon granted by General Pater, as being an act for which he had no authority. We at the ſame time directed the Madras European Regiment, and the battalion of the 19th regiment of Native Infantry, to proceed to the Preſidency, with a view to remove them from a ſcene where they had witneſſed every ſpecies of diſorder and irregularity, and of bringing them more immediately under the controul of authority.

(No. 43.)

134.—Whilſt theſe occurrences were paſſing to the northward, Lieutenant-Colonel Davis had continued to blockade Seringapatam, and to cut off all ſupplies from the Garriſon.

135.—A ſally had been made on the Myſore ſide, under the command of Captain Turner, but without any effect; and ſeveral letters had been addreſſed by Lieutenant-Colonel Bell to the Governor, and to Major-General Gowdie, the contents of which were of the ſame extravagant nature as thoſe of the letter from that officer already noticed. When the officers, however, received information that the force at Hyderabad had ſubmitted unconditionally, and that there was no proſpect of their obtaining ſupport and aſſiſtance, the whole of the troops which compoſed the Garriſon ſurrendered at diſcretion, and marched out in the morning of the 23d of Auguſt, leaving their arms upon the parade; the corps were ſeparated, and marched to different ſtations at a conſiderable diſtance from the fort, to await our orders reſpecting them. The Declaration, with the ſignatures of the officers in Seringapatam, was accompanied by a very intemperate and ſeditious Addreſs to the Governor-General, by no means conſiſtent with a returning ſenſe of duty.

136.—The ſenior officer of the Garriſon, the officers commanding corps, and thoſe who had been particularly active in the rebellion, were ordered into cloſe arreſt, and the remainder of the officers were placed in arreſt at large, until ſuch time as the pleaſure of the Governor-General ſhould be known reſpecting them.

137.—The Artillery and the Native Battalions had their arms reſtored to them, and thoſe corps were placed under the orders of officers in His Majeſty's ſervice.

138.—The detachment at Jaulnah, in compliance with the requiſition of the Hyderabad force, already noticed, quitted their poſt, and advanced towards Hyderabad on the 10th of Auguſt, the troops having been previouſly harangued by Lieutenant-Colonel Doveton, with the view of enſuring their ſteady adherence to the cauſe of the officers.

(No. 44.) (No. 33.)

139.—The annexed Declarations, ſeveral copies of which were found in the private Letters from Jaulnah, intercepted by our orders, ſigned by Lieutenant-Colonel Doveton, and the whole of the miſguided officers of that detachment, and circulated previouſly to their march, will, no doubt, be peruſed by your honourable Committee with equal concern and aſtoniſhment.

140.—On the 15th of Auguſt the force reached Partorr, about thirty miles to the ſouthward of Jaulnah: at this place they received information from the officers at Hyderabad, that they had ſubmitted to the authority of the Government, and that the preſence of the Jaulnah force was neither required nor wiſhed for by the officers of the force at Hyderabad. The Jaulnah force, in conſequence, returned to that ſtation, where they arrived on the 18th of Auguſt.

141.—Lieutenant-Colonel Doveton ſubſequently endeavoured to juſtify his own conduct, by ſtating, that the troops having reſolved on proceeding without him, he thought it adviſable to accompany them, in order to prevent bloodſhed, and that he had with difficulty prevailed upon them to return to Jaulnah.

(No. 33.)

142.—The intercepted letters, however, leave no room to doubt, that he was the leader in the rebellious proceeding of the force under his command; and a degree of guilt attaches to his conduct, proportionate to the importance of the charge confided to him.

143.—The ſubmiſſion of the force at Jaulnah completely terminated the daring courſe of oppoſition to the public authority, which had been purſued by the diſaffected officers, and the whole Army returned to its duty.

144.—It

144.—It will be a moſt ſatisfactory reflection to your honourable Committee, that this highly important reſult has been obtained without the leaſt compromiſe of the authority of the Government, and without involving a condition in any reſpect incompatible with its honour and dignity. [No. 2. B.] Gen. Letter, Secret Dep. 10th Sept. 1809.

145.—We have every reaſon to believe that the troops at Hydrabad would not have marched againſt the Government, and that the diſaffected officers would every where have been very ſoon entirely abandoned by their men, if they had perſiſted in their courſe of revolt. Even if they had experienced a firmer ſupport to their cauſe from the troops to the northward of the Kiſtnah, they could not have ſuſtained the attack of the powerful force which would have been brought againſt them. By their timely ſubmiſſion they averted the afflicting conſequences which, in either caſe, muſt have fallen on themſelves. That ſubmiſſion is regarded by us with ſentiments of the moſt cordial ſatisfaction, as it has afforded to the public intereſts all the advantages of ſucceſs, without the evils of a conteſt in arms.

146.—It is a moſt gratifying part of our duty, to expreſs to your honourable Committee, the ſentiments of approbation and confidence that have been excited in our minds by the conduct of parts of the Army acting under this Government. Our firſt acknowledgments are due to His Majeſty's troops, who have manifeſted, with ſcarcely an exception, the greateſt zeal, loyalty, obedience and diſcipline, during the late commotions. Although endeavours were employed to ſeduce ſome of His Majeſty's troops from their duty, they were reſiſted with the moſt honourable firmneſs. Our confidence in the ſupport of the troops of His Majeſty's Service, afforded conſiderable encouragement to the proſecution of thoſe decided meaſures, which have ſaved the Government from the evils of anarchy and military uſurpation. Indeed, the exemplary conduct of thoſe troops was conſpicuous on every occaſion, and gives them the ſtrongeſt claims to the approbation of their Sovereign and their Country.

147.—A number of able and reſpectable officers of the Company's ſervice, alſo diſplayed during the whole of the tranſactions which we have deſcribed, a zealous ſpirit of patriotiſm, and afforded, by their ſteady adherence to their duty, by their exertions and example, a uſeful and ſeaſonable ſupport to the meaſures of the Government. The conduct of the native troops particularly deſerves our commendation. Expoſed to ſeduction by officers to whom they were taught to look up with ſentiments of reſpect and obedience, and naturally ignorant of the true ſituation of affairs, they were placed in a ſituation particularly calculated to miſlead them from their duty. Notwithſtanding theſe circumſtances, the native troops manifeſted a firm and unſhaken attachment to their allegiance, they obeyed with ſteadineſs, cheerfulneſs and zeal, the officers whom we placed in authority over them, and abandoned the cauſe of their officers whenever they had the means of diſcovering their real deſigns. The conduct of the native troops entitles them, in an eminent degree, to the confidence of the Government, and removes any doubts that may have been excited by former events of their fidelity and attachment.

148.—To expreſs to your honourable Committee our ſentiments reſpecting all the officers who merit our approbation, would extend this Report beyond the limits which we are deſirous of preſcribing to ourſelves. But we conſider it to be an act of indiſpenſable juſtice, to expreſs our ſenſe of the benefit which the public intereſts have derived from the aſſiſtance which we received from Major-General Gowdie, the officer commanding the Army in Chief, who, throughout the late period of commotion, has manifeſted the ſame honourable and loyal principles which have always diſtinguiſhed his character, and who, by his conduct and example, has afforded us the moſt important aid in maintaining the public authority.

149.—It is alſo our duty to bring to the notice of your honourable Committee, the zealous and able conduct, in the execution of our orders, of Major-General Croker, commanding in the Ceded Diſtricts, Colonel Cloſe, Colonel Wilkinſon, commanding the ſouthern diviſion of the Army, Lieutenant-Colonel Conran, who commanded the troops at Fort St. George, Lieutenant-Colonel Davis, commanding in Myſore, and Lieutenant-Colonel Hare, commanding the centre diviſion of the Army.

150.—We have great pleaſure in being able to ſtate, that the internal tranquillity of the Company's dominions under this Preſidency, ſuffered no interruption during the late commotions in the Army. The revenues have been realized in the moſt ſatisfactory manner, and no diſpoſition has been manifeſted by the people to take advantage of thoſe commotions. Our external relations have alſo continued uninterrupted.

[No. 2. B.] Gen. Letter, Secret Dep. 10th Sept. 1809.

151.—We have already ſtated to your honourable Committee, in our Letter of the 6th inſtant, that we had reſerved, for the conſideration of the Right honourable the Governor-General, the meaſures which it may be neceſſary to adopt with reſpect to the officers who have been principally concerned in the late criminal proceedings, as well as any arrangements which may be requiſite to afford to the Government complete ſecurity againſt the recurrence of ſimilar diſorders.

We have the honour to be,
with the greateſt reſpect,
Honourable Sirs,
your faithful, humble ſervants,
G. H. BARLOW,
W. PETRIE,
T. OAKES,
JAS. Hy CASAMAJOR.

Fort St. George,
10th Sept. 1809.

ENCLOSURES.

No. 1.

To Major-General Gowdie, commanding the Army.

Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

SIR,

IT is with regret I have to ſtate to you, that the Government Order of the 1ſt of May, has cauſed an uneaſineſs in the minds of the greater part of the Company's officers belonging to this force. They had certainly ſhewn the greateſt degree of moderation, in regard to the events which have of late ſo much agitated the Army, and, I am perſuaded, were anxious to avoid any diſcuſſion that could diſturb their quiet; but, unfortunately, they conceived that, by the Order in queſtion, the Army would ſuppoſe they implicitly approved of ſome late acts of Government, which, I am ſorry to ſay, is not the caſe, notwithſtanding the reſpectful and proper ſilence the officers have ſhewn.

As ſoon as I heard the effect the Order had, I uſed my influence in ſtrongly recommending a continuation of the ſame conduct, which had been marked by the approbation of Government, ſtated how creditable it was to the force, and that the Order was of courſe never intended to convey an idea of the ſubſidiary force approving or diſapproving the acts of Government, but, merely in juſtice to the officers, took notice of their correct conduct. An impreſſion of a contrary nature is, however, ſo ſtrong in the minds of the great majority, that I have no doubt they will not reſt ſatisfied until it is explained.

To give orders againſt the promulgation of an Addreſs, which, I was convinced, would be made, was likely only to cauſe irritation, and not be attended with any good effect, but I uſed all the influence I poſſeſſed, to urge the officers, in any expreſſion of their ſentiments, not to permit the moſt diſtant idea being entertained, that any act contrary to the ſtrict rules of honour, order, and ſubordination, would be ſupported by them, or that they would ever deviate from the line of conduct which their profeſſion required of them, and which their country would approve of.

From what I hear, and I have no doubt of the fact, the greater part of the officers mean to make it known to the officers of the Army, that they deem it neceſſary, in conſequence of the Orders of the 1ſt May, to explain to them, that by no means they approve of the ſuſpenſion, without trial, of ſo many of their brother officers, and that they ſhall endeavour to ſupport them by every legal means, but with temper, firmneſs, and dignity. At the ſame time, whilſt they thus avow their ſentiments, they will perſevere in the obſervance of that ſpirit of order, diſcipline, and ſubordination, they have hitherto obſerved, being convinced, their beſt mode of obtaining redreſs is to ſhew their ſuperiors that, by their moderation and forbearance, they deſerve it.

I have ſpoken to ſeveral officers on this ſubject, and I can venture to ſay, if an Addreſs is ſent forth, the ſentiments contained in it will be nearly ſimilar to what I have ſtated, that the expreſſions will be moderate and reſpectful, and that the whole of the proceedings of this force will continue to be marked by a temperate conduct, and conformable to the rules of diſcipline and ſubordination.

Secunderabad,
15th May 1809.

THOs G. MONTRESOR.
Lieutenant-Colonel.

To Lieutenant-Colonel Montreſor, commanding the Subſidiary Force ſerving with His Highneſs the Nizam.

SIR,

I have had the honour to receive your Letter of the 15th inſtant, and I beg leave to aſſure you, that I entirely participate in the ſentiments of concern which you have expreſſed at the officers under your command being diſſatisfied at having acted in ſtrict conformity to the principles of their duty, and having deſerved and obtained the approbation of the Government under which they ſerve. Theſe officers muſt, on the leaſt reflection, be convinced, that the

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the Orders of Government, to which they are pleaſed to object, had no reference whatever to their ſeparate opinions as individuals, but applied ſolely to their meritorious and zealous conduct, in having refuſed their ſignature to an Addreſs, which they muſt have known were repugnant to the firſt and moſt obvious rules of diſcipline, allegiance, and duty. It was the earneſt deſire of the Governor in Council, that the Orders of the 1ſt May, and the example of puniſhment, which the moſt urgent obligations of public duty bound him to announce in theſe Orders, ſhould put a ſtop to the proceedings, equally diſcreditable to the diſcipline of the Army, and dangerous to the national intereſts in India. The line of conduct propoſed to be followed by the troops at Hydrabad, is calculated to prolong thoſe proceedings, and to aggravate the evils which have already reſulted from them; and it is accordingly indiſpenſably requiſite that the moſt vigorous meaſures ſhould be adopted, for the purpoſe of preventing the further agitation of queſtions ſo entirely adverſe to the public intereſts. I am therefore induced to deſire, that you will prohibit, in the moſt poſitive and decided manner, any combinations of officers, or the circulation of any Addreſs for the purpoſe, hoſtile to the meaſures of Government; and that you will put under an arreſt, and ſend to the Preſidency for trial, any officer or officers who may be principally concerned in promoting theſe unjuſtifiable proceedings. Combinations of this deſcription have been repeatedly prohibited by the orders of the Court of Directors, of the Supreme Government, and the Government of Fort St. George; they are calculated to ſubvert the foundations of authority, and to reflect the greateſt diſgrace on the military character of the Service; and thoſe which have occurred, afford to the Authorities in Europe the ſtrongeſt proofs of the neceſſity of the courſe of meaſures purſued by this Government, and will render the continuance of the ſame line of meaſures unavoidably neceſſary, until the officers of the Army manifeſt the reſpect, ſubmiſſion, obedience, and zeal, which they owe to their country, to the principles of their profeſſion, and to the reputation of the ſervice to which they belong.

I am alſo to deſire that you will be pleaſed to aſſemble the officers commanding corps, to read this Letter to them, and to inform them, that any combination of officers, however limited, for the purpoſe of ſigning an Addreſs in oppoſition to the proceedings of Government, will be conſidered as diſobedience of Orders, and render thoſe officers liable to be tried by a Court Martial for that offence.

The high opinion which I entertain of your firmneſs and diſcretion, alſo lead me to requeſt, that you will adopt, without reference to me, ſuch ſteps as you may deem neceſſary to the maintenance of diſcipline among the troops under your command; but I encourage a confident aſſurance, that no neceſſity will be found to exiſt for the adoption of ſuch meaſures.

(Signed) F. GOWDIE,
M. G. Commanding.

Fort St. George, 23d May 1809.

Dear Sir, Secunderabad, 18th May 1809.

You will probably have heard, that the Government Order of the 1ſt of May cauſed a conſiderable agitation among the officers of this force, and has, in ſpite of my earneſt recommendation to the contrary, led to an Addreſs to the Army.

I have already written officially on this ſubject to Major-General Gowdie, to whom I have ſtated generally what has paſſed; and I think it beſt no further official communication ſhould be made from me; but at the ſame, time I think it right the Governor ſhould be fully informed of what I have done, to enable him to judge whether I have acted conformably to his wiſhes. It is for this purpoſe I now take the liberty of addreſſing you, and requeſt you will make the contents of this Letter known to him, but not conſider it as an official document, unleſs the Governor deems it neceſſary.

Two days after the arrival of the Order of the 1ſt of May, I learnt the uneaſineſs it cauſed; I therefore uſed all my influence in endeavouring to prevail on the force to perſevere in abſtaining from any kind of an Addreſs, ſtating how creditable the line of conduct was which they had hitherto purſued, how ſtrongly our profeſſion required of us to adhere to diſcipline and ſubordination, to wait patiently for the deciſion of the higheſt authorities upon thoſe ſubjects which were referred to them, and in the mean while to diſcharge their duty to the Government, conformable to the conduct which the Coaſt Army had always obſerved, and their country claimed of them.

But I found the idea of an Addreſs was too warmly taken up to be abandoned, and that any ſtrong meaſures I might take to repreſs it, would not only cauſe a violation, and perhaps prevent my being thoroughly acquainted with what was going on. It became then of the utmoſt conſequence that I ſhould get the entire confidence of the officers, and I wrote a Letter to one of the ſenior ones, giving him my ſentiments, and earneſtly entreating that no idea might go abroad to the Army of the force acting but in ſtrict conformity to the rules of diſcipline and ſubordination. What has paſſed in conſequence of this has been detailed in my official letters to Major-General Gowdie, and I am happy to ſay, the conduct I purſued towards the officers, has been returned on their parts by a confidence which is highly creditable to them. In a Letter addreſſed to me by the ſenior officers, they regret that circumſtances prevented my wiſhes, in all reſpects, being gratified; but that they intend to follow that line of conduct which has hitherto obtained my approbation, and that of their ſuperiors, and for which the Coaſt Army has ever been diſtinguiſhed. They further ſay, that being ſenſible of what they are pleaſed to term my honourable, open, and candid conduct towards them, they will ever wiſh to accord with my views, and ſupport my plans for the good of the ſervice in general, and of the Hyderabad ſubſidiary force in particular.

Sic Orig.

In ſhort, I have done all I could to prevent an Addreſs of any nature going abroad, and

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when finding I was not likely to succeed, I used my influence, that it might be as respectful to Government as possible.

It may, perhaps, be thought I might have taken stronger measures, but you will of course understand that nothing of this matter ever came officially before me; and I am fully persuaded the line of conduct I adopted was that which is likely to be attended with most benefit to the Service, and, I hope, meets with the approbation of the Governor.

I have the honour to be, dear Sir,
Your faithful and obedient servant,
(Signed) THO' G. MONTRESOR.

To Lieutenant-Colonel Barclay,
&c. &c. &c.

Dear Sir, Fort St. George, 27th May 1809.

I have communicated your Letter of the 18th instant to Sir George Barlow, the Commander in Chief has also communicated to him your Letter of the 15th instant, and his reply to that Letter dated the 23d instant. The sentiments expressed in General Gowdie's Letter, correspond so entirely with the opinion entertained by Sir George Barlow, respecting the late unexpected conduct of the officers at Hydrabad, (which is in direct opposition to the Orders of Government published in December 1799, and adverted to in General Gowdie's Circular Letter of the 10th April last,) that it is only necessary to express his entire concurrence in those sentiments. The high opinion which Sir George Barlow entertains of your judgment and firmness, and your well-known attachment to the principles of good order and subordination, leave him no room to doubt that you will, without referring for Orders, exert the powers vested in you for the suppression of proceedings of so reprehensible a nature, and which cannot fail to be attended with all the injurious consequences, both to the honour and interests of the Army and to the public welfare, so fully described in Major-General Gowdie's Letter.

I remain, dear Sir, your most obedient servant,
To Colonel Montresor. (Signed) R. BARCLAY, M. S.

No. 2.

Copy of a Letter from the Officers of the Hydrabad Subsidiary Force, to the Officers of the Madras Army.

Gentlemen,

IN the late Government Orders, dated May the 1st, the conduct of the officers of this force, with respect to the late occurrences, is particularly mentioned in terms of approbation.

This unexpected compliment may probably have impressed our brother officers throughout the Army with the idea that that we have tacitly approved of those acts of Government, to which the Orders refer, and that we are divested of those sentiments and feelings which have been excited throughout the Army.

Under these impressions, we feel it a duty incumbent on us to declare, that we have viewed with the most lively emotions of concern those extreme acts of power and exertion of authority, by which so many valuable and respectable officers have been displaced from their commands, and suspended the service; and while we assure you of our resolution to contribute to the support of those officers, who have incurred the displeasure of Government for their exertions in a cause which we must pronounce to be just, we shall be ready to contribute in any legal measures of temperance, dignity and firmness, which may be thought effectual to remove the cause of the present discontent, and to restore our brother officers to the honourable situations from which they have been removed.

To Lieutenant-Colonel Chalmers.

Sir, Jaulna, 20th May 1809.

It was with a mixed feeling of surprise and concern, that we, the undersigned officers of the detachment from the H. S. F. serving in Berar, perused the General Order of the 1st instant, removing you from the important command of the Army in Travancore, the operations of which you had conducted with so much zeal, energy and success, thereby adding to the distinguished estimation in which you had always been held. The mortification with which your brother officers beheld your removal, almost in the hour of victory, was greatly heightened by the consideration, that it was occasioned by your spirited endeavours in support of their honour and interest; endeavours of which they are gratefully sensible, and which entitle you to their warmest acknowledgments.

Under the impression of these feelings, we beg leave to assure you, that it will impart to us great satisfaction to promote, to the utmost of our ability, the common cause in which we consider ourselves united with you, and to adopt every proper measure which may be judged effectual towards re-establishing you in that important situation, from which you have been so undeservedly displaced.

Impressed with similar sentiments with respect to the conduct of Lieutenant-Colonel Cuppage, and the manner in which he has been treated, we take the liberty of requesting that you will communicate the same to him. We further beg you to convey to Captain Coombe, the regret we feel at seeing him deprived of his situation, for his activity in promoting measures beneficial to the cause of the Army.

To

[No. 2. B.]
Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant Colonel Bell, late Commandant of Artillery.

Sir,

It was with a mixed feeling of surprise and concern, that we the undersigned officers of the H. S. F. serving in Berar, perused the General Order of the 1st instant, removing you from the important command of the Coast Artillery, which you have hitherto held with so much credit to yourself, satisfaction to your corps, and advantage to the Service at large. The mortification with which your brother officers received your removal, was greatly heightened by the consideration, that it was owing to your spirited zeal in support of their honour and interest; of this they are highly sensible, and warmly accord in tendering you their grateful acknowledgments.

Under the impression of these feelings, we beg leave to assure you, that it will impart to us great satisfaction to promote to the utmost of our ability the common cause, in which we consider ourselves united with you, and to adopt every proper measure which may be judged effectual towards re-establishing you in that important situation from which you have been so undeservedly displaced.

To the honourable Lieutenant-Colonel St. Leger.

Sir,

We the undersigned officers of the detachment from the H. S. F. serving in Berar, were affected with equal surprise and concern, by the publication of the General Order of the 1st instant, suspending you from the rank which you have hitherto held in the Coast Army, with honour to yourself and advantage to your country.

It forms no small aggravation of our concern, to observe that so arbitrary a measure appears to have been adopted for no other reason, than that you had nobly exerted yourself to oppose the degradation, and pave the way for redressing the grievances, of the Service to which you belong.

Actuated, as we believe you have been, by considerations so disinterested and patriotic, we hasten to assure you, that we consider your cause as our own, and that we cannot advert to the undeserved treatment which you have experienced, and to the loss which we must necessarily sustain, by being deprived of your presence in the present important conjuncture, without expressing to you the sentiments of esteem with which we view your spirited and exemplary conduct.

To these sentiments, we have only to add our determination to contribute, in common with the rest of your brother officers, to the support of your cause, and that of your fellow sufferers, and to entreat that you will permit us to discharge what we feel a duty incumbent upon us, by alleviating every unpleasant circumstance. Meantime our exertions shall not be wanting, in the adoption of such measures as may be deemed proper and effectual towards the restoration of so many respectable officers to the important situations of which they have been so wantonly deprived.

We beg that you will make known these our sentiments to Major D. Morgan and Captain James Grant, whose suspension we regard with similar feelings of regret, and whose conduct highly merits approbation.

To Captain Marshall, late Secretary to the Military Board.

Sir,

It was with mixed sensations of surprise and regret, that we the undersigned officers of the detachment from the H. S. F. serving in Berar, were apprised, by the General Order of the first instant, of your having been arbitrarily suspended from that Service, to the interests of which we have ever considered you firmly and honourably attached; that the treatment so unmerited on your part, and so repugnant to those sentiments which your brother officers have always entertained towards you, should have been produced in consequence of your spirited efforts in their cause, affords to us matter of additional and deep concern.

It now becomes our bounden duty to alleviate, to the utmost of our power, every harsh and unpleasant circumstance attached to your present situation. In expressing this conviction, we have reason to be assured we are only concurring in the sentiments of the Army at large, and we hope you will consider this our determination, as an earnest of our resolution to support the cause which you have so ably espoused.

It is with feelings of gratitude, that we the undersigned tender you the tribute of our warmest acknowledgements for the independent manner in which we consider you to have acted; and it is with proud exultation, that we hold up to our brother officers, the noble example you have displayed of a spirited and disinterested zeal for their honour and advantage, unbiassed by any personal considerations of situation, favour, or emolument.

We have only to add our unfeigned sorrow at being deprived of your presence, at a crisis so important as the present.

No. 3.

Dear Sir, Secunderabad, 30th May 1809.

I HAVE the pleasure to acknowledge the receipt of your private of the 22d instant, and of your public Letter of the following day, which came by express.

I feel too confident, in the knowledge you must have of my sentiments, to doubt you will impute my not conforming to your Orders, but to the best intentions. It has been by

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a conciliatory conduct, and obtaining the confidence of the officers, that I have been able to prevent an Addreſs being forwarded from hence, which contained expreſſions leſs reſpectful to Government, and of a more exceptionable nature, than that which I lately had occaſion to notice. Had I purſued another line of conduct, the Addreſs would have been forwarded in its original form; the contents would have been probably withheld from the officers more immediately in my confidence, and I ſhould be ignorant of what is paſſing.

I am ſo perfectly convinced of the temper of the force, that had I acted in conformity to your Orders, every officer in the Company's ſervice, under my orders, (Staff excepted) would have immediately publicly avowed his ſigning the Addreſs, and been equally implicated in the framing of it. I am further convinced it would have led to a much leſs temperate Addreſs; and the influence I poſſeſs, in urging the officers to a moderate conduct, would be conſiderably weakened, if not loſt. In ſhort, it would irritate them in the higheſt degree, and, I have no doubt, be attended with the worſt conſequences. I truſt, under theſe circumſtances, you will approve of what I have done, and reſt aſſured, that nothing but a ſtrong conviction on my mind of what I have ſtated, would make me heſitate in obeying your Orders. If, after what I have ſtated, you ſhould ſtill be of the ſame opinion, I muſt of courſe conform to your inſtructions, but I earneſtly entreat it may not be inſiſted on, and that you will rely on my uſing every exertion of inſubordination, and doing that which, at this critical period, is beſt for the ſervice.

Sic Orig. *Quere*, ſubordination.

I have now to give you information of a ſubject that cauſes me great concern; accounts arrived here by ſome means yeſterday of the ſerious diſcontents in other parts of the Army, and of their purſuing meaſures which muſt cauſe the greateſt alarm. In conſequence of this, I underſtand a meeting of officers has taken place, and an Addreſs framed, which was privately communicated to me. The object of it was to ſtate to Government the information that had been obtained, of the very alarming ſtate the country is in, and earneſtly to recommend the recall of the Orders of the 1ſt May, regarding the ſuſpenſion of officers, as the beſt, and perhaps only means of allaying the ferment: but there were parts of it I thought ſo objectionable, that, upon my ſentiments being known, it has again, I underſtand, been taken into conſideration; and I have ſome hopes, upon my making you publicly acquainted with the ſentiments of the force, no Addreſs will take place; but ſuch is the agitation and warmth it is taken up with by ſome; that it is impoſſible to ſay.

Excuſe the liberty I take, in requeſting that the contents of this Letter may be made known to Government, as the late hour prevents my writing.

I remain, &c.

(Signed) THO^S G. MONTRESOR.

P. S.—A Paper has juſt been ſhewn me, which differs a little from that I ſaw this morning, and though it may not be forwarded, contains the ſentiments which I know generally prevail.

(Signed) T. G. M.

P. S.—I am juſt informed, that my informing you of what is paſſing, and the ſentiments that prevail, has led to dropping the Addreſs altogether, and I believe it to be the caſe; I ſhall, however, write to-morrow, in the mean time beg to ſay, no meaſure of any nature will take place without my previous knowledge.

(Signed) T. G. M.

Dear Sir, Secunderabad, 31ſt May 1809.

In a poſtſcript of the Letter I had the pleaſure of addreſſing to you yeſterday, I ſtated my hopes, that the idea of forwarding an Addreſs from the officers of this force, and which had been ſo warmly taken up by the greater part of them, would be abandoned. I now write to inform you, that I have learnt, with the greateſt ſatisfaction, that the officers have wiſely relinquiſhed all intention of forwarding any Addreſs whatever.

I remain, dear Sir,

Your very faithful ſervant,

To Major-General Gowdie, Commanding the Army.

(Signed) T. G. MONTRESOR.

No. 4.

To the honourable Sir G. Barlow, K. B. Governor in Council, Fort St. George.

Honourable Sir,

THE under-ſigned officers of the Hyderabad ſubſidiary force, viewing with the moſt poignant ſenſations of grief and concern, the preſent unexampled and alarming criſis, conceive it a duty incumbent upon them, as forming a conſiderable and reſpectable part of the Coaſt Army, and conſiſtent with that anxiety they feel for the public intereſt and welfare, to come forward, at this period, with a proffer of their ſentiments to Government.

The late acts of Government, and particularly the Order of the 1ſt May, has excited ſuch a ſerious degree of alarm and apprehenſion throughout the minds of the officers of the Army, that they fear, nothing but ſome act of conciliation on your part, can tend to leſſen or remove it. This Order, Sir, removing from their ſituations, and involving in diſgrace, ſo many valuable and reſpectable officers, for their zeal and exertions in a cauſe which their acts have rendered ſacred to the Army, has excited ſuch great and general irritation, that we have ſtrong reaſon to fear the moſt fatal and diſaſtrous conſequences. Under theſe impreſſions,

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preſſions, we feel compelled to make ſome effort to avert the evils we ſee impending; or, what may be the poſſible, and probable conſequences, the ſeparation of the civil and military authorities. The deſtruction of all diſcipline and ſubordination amongſt the Native Troops, the ultimate loſs of ſo large a portion of the Britiſh poſſeſſions in India, and the dreadful blow it will inflict on the Mother Country; theſe, Sir, are the fatal proſpects we foreſee, with the moſt painful emotions of grief and concern.

We are anxious, Sir, that Government ſhould be undeceived, as to this irritation and diſcontent being but partially diffuſed throughout the Army; we are well aſſured, that, with the exception of a few individuals, holding confidential ſtaff ſituations, or dependent upon Government's favour and intereſt, the whole of the officers of the Army poſſeſs but one ſentiment and opinion relative to the late acts of Government; they are actuated by one common feeling, and conſider themſelves ſolemnly pledged to ſupport each other in obtaining redreſs.

Such, Sir, we are confident, is the general ſentiment, and, under this conviction, we cannot but apprehend the fatal effects that may enſue, by a perſeverance on the part of Government, in uſing coercive meaſures. If the irritation and diſcontent, as they conceive, were but partially excited, ſuch ſteps might tend to effect the deſired object; but, in the preſent caſe, where all are united in a cauſe which they conſider themſelves ſolemnly bound to ſupport, it can only widen the breach, and aggravate the evil.

We truſt, Sir, that Government will juſtly appreciate our motives for coming forward at this period; we are actuated ſolely by our anxiety for the public good and welfare, by a ſerious contemplation of the evils we have ſo much reaſon to dread, and an ardent deſire to avert them. It is by no means our wiſh or intention to dictate to Government, or comment on their acts: our only object is, to exhort them to a ſerious conſidertion of the preſent criſis, and to induce them to adopt ſome meaſures conducive to public tranquillity.

We have no doubt within our own minds, that this much-deſired object would be effected, by reſcinding the Orders of the 1ſt of May, and reſtoring to the Service, and their ſituations, all thoſe officers who have been ſuſpended. Such an act, we feel confident, would effectually appeaſe that ſpirit of alarm and irritation which now exiſts; and the officers of the Army would patiently await the deciſion of their ſuperiors at home.

We have the honour to be, &c.

Camp, Jaulnah,
15th June 1809.

[Signed by one hundred and fifty-eight officers of the Jaulnah and Hydrabad Forces.]

Dear Sir, Secunderabad, 25th June 1809.

Some days before this can reach you, you will, no doubt, have ſeen an Addreſs which has been forwarded by this force to the Governor; it is therefore needleſs for me to ſtate what I have underſtood to be the nature of it, or, perhaps, to notice it at all, did I not think it proper to inform you, that until this day I could not learn any particulars relative to the Addreſs. I am now totally ignorant where it originated; but, from a converſation I have had with ſome officers, I have reaſon to believe that the ſole object in forwarding the Addreſs was, that Government ſhould be truly informed of the real ſentiments of the Army.

If there has, on any occaſion, been improper language uſed, regarding the acts of ſuperior authority, it is a juſtice I owe the ſenior officers to ſay, that their influence has been uſed to keep it within the bounds of propriety; and, if I could approve of the Addreſſes being forwarded, I ſhould have every reaſon to be ſatisfied with their conduct.

I remain, dear Sir,
Your obedient ſervant,

To Major-General Gowdie,
commanding the Army.

(Signed) THO^S G. MONTRESOR.

No. 5.

To the Adjutant-General of the Army, Fort St. George.

Sir,

I HAVE the honour to inform you, that on the afternoon of yeſterday, I received a meſſage from the officer of the garriſon of Maſulipatam, informing me, that a ferment of a moſt ſerious nature exiſted among the troops; I was at that time in the cantonment, but as ſoon after I had received this information as poſſible, I proceeded to the Fort, and on my arrival found, that in conſequence of an opinion that prevailed among the officers of the Garriſon, that it was the intention of Government to diſperſe, and finally diſband the Madras European Regiment; they had earneſtly entreated Lieutenant-Colonel Innes to detain the three detachments ordered to embark as Marines, until a repreſentation on the ſubject had been ſubmitted to the Commander in Chief, for the deciſion of the Governor in Council. Colonel Innes poſitively refuſed to comply with their requeſt, ſtated his determination to carry the orders regarding the three detachments, into execution by force, and, for the purpoſe, threatened to get a body of men landed from His Majeſty's ſhips then in the roads, and a detachment of Artillery.

When I reached the general parade of the Garriſon, I was informed, that the Madras European Regiment was paraded in the ſquares of their barracks, that the native troops were alſo drawn up in their reſpective barracks, and every thing ſeemed to be in a ſtate of preparation to reſiſt the execution of the Orders alluded to; I immediately waited upon Colonel Innes,

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and ſtated to him the ſituation of the troops in Garriſon. He ſtill perſiſted in his former determination; and as I had every reaſon to believe, that, were he permitted to carry it into effect, it would be attended with the moſt ſerious and dangerous conſequences, to prevent which, I deemed it my imperious duty to place him under reſtraint, and aſſume the command of the Garriſon; I then ordered the ſenior officers preſent to diſmiſs the men of the different corps, which, I am happy to ſay, was done with the greateſt regularity, and tranquillity immediately reſtored.

In a ſhort time afterwards, it was intimated to me, that the Artillery ſtationed at the cantonment were alſo determined to ſupport the troops in the Fort, at the requeſt of the officers of the Garriſon. I herewith tranſmit their reaſons for wiſhing to detain the three detachments of the Madras European Regiment.

(Signed) J. STOREY,
Major, in charge of Maſulipatam.

Maſulipatam,
26th June 1809.

THE Deputation appointed by the officers compoſing the garriſon of Maſulipatam, have the honour to preſent to Lieutenant-Colonel Innes, the annexed Explanation of the Reſolutions, with which they yeſterday evening made him acquainted.

In order to enter upon the cauſe of the proceedings which were yeſterday adopted, it will be neceſſary to revert to the meaſures of Government with regard to Lieutenants Forbes and Maitland, who, upon the repreſentation of Lieutenant-Colonel Innes, without any trial or inveſtigation into their conduct, as ſpecified to have been obſerved on the 7th May, at the meſs-room in the Madras European Regiment, were immediately puniſhed; the one by being deprived of the appointment of Quarter-Maſter to the Regiment, and the other by being ordered to proceed and take charge of Condapillay, (and relieve the officer then commanding it, with a party of Sepoys from his own corps) with poſitive orders not to quit it till neceſſitated ſo to do by ill health.

The Letter which contained the removal of Lieutenant Maitland from his appointment, and the appointment of Lieutenant Forbes to the ſolitary command of Condapillay, particularly ſpecify, that theſe ſteps were taken in order to mark, by a ſuitable example, the authors of the exceptionable conduct that has come to his (the Commander in Chief's) notice. The ſame Letter directs Lieutenant-Colonel Innes to expreſs to the officers of the Madras European Regiment, the officer commanding, the Army's higheſt diſapprobation of ſuch conduct, and inform them, a repetition of ſuch irregularity will involve the *whole Corps* in the ſevereſt penalty to which ſuch inſubordinate proceedings are liable. This Letter Lieutenant-Colonel Innes thought proper to inſert in the regimental orderly book of his corps, and conſequently obtained publicity, not only among the officers, but the non-commiſſioned officers and privates of the regiment; can it then be wondered at, that the ſerious alarm which, in the firſt inſtance, pervaded the different ranks of the Madras European Regiment, ſhould have extended to the other corps, not only in the Garriſon, but in the Diſtrict and Diviſion.

Nor was the ſubſtance contained in the above reprimand the only ſource of danger to be apprehended: Lieutenant-Colonel Innes informed a Deputation of five officers, who waited upon him with a requeſt that they might be furniſhed with a copy of the information which had been ſent to Government, relative to the conduct of the officers of the Madras European Regiment at their meſs-room, on the night of the 7th May; that it was in contemplation of Government, in conſequence of the report received of the irregular and inſubordinate behaviour of the regiment, to *diſband it*, and *place the officers on half-pay*, as Britiſh ſubjects. We have a right to demand, whether the Madras Government have the power to inflict puniſhment of ſo ſevere a nature on their officers and men, on the mere report of an individual, without giving them a fair trial, as enacted by the laws of our country.

While Lieutenants Maitland and Forbes were ſuffering under the imputation of inſubordinate, and highly irregular conduct, a party was ordered from the European Regiment, to prepare to go on board one of his Majeſty's veſſels, and act as Marines, and Lieutenant Maitland expreſsly pitched upon to command them; at the ſame time, Lieutenant Forbes was ordered to hold himſelf in readineſs to proceed to the Preſidency, and thence to Penang, in order to relieve *Captain Philips*.

Lieutenant Forbes, who was accuſed of being the author and ſupporter of that highly indecorous conduct, contrary to every principle of military ſubordination, which was obſerved at the meſs-room of the Madras European Regiment, being fully ſenſible of his innocence, requeſted an inveſtigation into his conduct by a Court Martial, but was denied that indulgence, on the plea of its being "inadmiſſible," notwithſtanding his character as a ſoldier had been ſo materially injured, and publicly made known to the regiment at large.

The whole of the officers of the Madras European Regiment had likewiſe the honour of addreſſing the Adjutant-General of the Army, on the 27th May laſt, begging leave to aſſure him, for the information of Major-General Gowdie, that the account he had received of the conduct of thoſe officers, who were preſent at the meſs on the evening of the 7th, was erroneous, and requeſting to be furniſhed with a copy of the information which had been received, ſo prejudicial to the character of the officers of the Madras European Regiment; that they might thereby be enabled to convince the officer commanding the Army in Chief, that their conduct did by no means merit the ſevere cenſure with which it had been marked; but even this indiſpenſable requeſt, ſo abſolutely neceſſary to clear the characters of the numerous body of officers compoſing the regiment, from the ſtigma they had received, has not been complied with.

Theſe unmerited hardſhips, and deprivation of the privilege of Britiſh ſubjects, which ordains their not being condemned without a hearing, together with the information received

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ceived from Lieutenant-Colonel Innes, that Government had it in contemplation to disband the Madras European Regiment, followed up by three detachments therefrom, being ordered to be held in readineſs to proceed on board His Majeſty's veſſels to act as marines, appearing to us, (and certainly with great reaſon,) as the firſt ſtep towards diſuniting the corps, previous to the meaſure above alluded to; have created in our minds the moſt ſerious alarm leſt this ſyſtem of puniſhment, on the bare and falſe reports of an individual, ſhould extend itſelf to other parts of the Madras Army, and have determined us to reſiſt ſuch dangerous and unprecedented acts, until a fair inveſtigation of the conduct of the officers of the Madras European Regiment ſhall take place before a Military Tribunal.

We have not here noticed the former acts of Government, of a ſimilar nature, in ſuſpending ſome, and removing others of our moſt valuable officers from ſituations of truſt and confidence without any trial whatſoever; but we cannot help expreſſing our fear leſt this ſyſtem of terror ſhould exceed the bounds of forbearance, and ultimately produce conſequences of the moſt ſerious nature.

At the ſame time, we beg to aſſure the Governor in Council, and the Commander in Chief, that we continue as heretofore, the ſupporters of the Britiſh intereſts in India, and faithful and loyal ſubjects of our King and Country.

(Signed) H. KELLY, Captain 1ſt battalion 19th Regiment N. I.
H. HARRINGTON, Captain 1ſt battalion 19th Regiment N. I.
G. L. NIXON, Lieutenant Madras European Regiment.
CHARLES FORBES, Lieutenant Madras E. Regiment.
J. S. SPANKIE, Lieutenant Madras E. Regiment for the Garriſon of Maſulipatam.

A true Copy.
(Signed) *T. N. Balmain*, A. A. General.

Maſulipatam, 25th June 1809.

To the Adjutant-General of the Army, Fort Saint George.

Sir,

I have the honour of reporting to you, for the information of the officer commanding the Army in Chief, and the honourable the Governor in Council, the particulars of the daring and premeditated mutiny which occurred here on Sunday the 25th June about two or three o'clock P. M., when three detachments of the Madras European Regiment were ordered to embark on board the Fleet as marines.

2.—On the arrival of the Piedmontaiſe frigate, and Samarang ſloop of war at this place, I ſent off a Letter to Captain Foote commanding the two ſhips, intimating that the three detachments of the Madras European Regiment were ready to embark, was he prepared and authorized to receive them on board his ſhips; the non-commiſſioned officers and privates appeared to be highly pleaſed at going on this duty.

3.—About ſun-ſet, I obſerved a boat landing with ſome naval officers, and having invited Captain Foote on ſhore, went down to meet and receive him at the ſea-gate, to conduct him to my quarters, that we might communicate fully on every ſubject which could tend to promote the public ſervice, in carrying the Orders of the officers commanding the Army in Chief into execution.

4.—Juſt as the naval officers were nearly landed, I was called aſide by Lieutenant Charles Forbes, of the Madras European Regiment, who was accompanied by Captains Kelly and Harrington, of the 1ſt battalion 19th Regiment N. I., Lieutenant and Adjutant Nixon, and Lieutenant and Quarter-maſter Spankie, of the Madras European Regiment; Captain Kelly then read a Paper, which they were deputed to communicate to me, not only by the officers of the Garriſon (but thoſe of this diviſion,) requeſting I would poſtpone the embarkation of the detachments of the Madras European Regiment till they could receive an anſwer to an Addreſs they had it in contemplation to ſubmit to the Commander in Chief, and the honourable the Governor in Council, *demanding* a redreſs of *grievances*. To *this* application I pointedly objected, having no authority to ſet aſide the inſtructions I received from the Commander in Chief.

5.—Lieutenant Spankie then boaſted of their having the moſt poſitive aſſurances of ſupport from troops at Hydrabad, Jaulnah, the Bombay Army, and every diviſion on the coaſt; I then obſerved, that I hoped thoſe expectations would not induce them to reſiſt the embarkation, by being guilty of mutiny, and by trying whether the troops would obey them or me; to order the whole in arreſt was *now* my *only* alternative: this however I could not attempt, or expect their obedience to my authority, under exiſting circumſtances, "and ſtanding alone."

6.—At this inſtant, the purſer of the Piedmontaiſe delivered to me a Letter from Captain Foote annexed, which upon opening it, proved to be an official Letter from the Chief Secretary of Government, dated 22d June 1809, ordering me to embark the detachments of His Majeſty's 59th Regiment of Foot on board the Samarang with the leaſt delay; I then enquired of the purſer if he had not brought any other Letter for me from Captain Foote; he replied in the negative; nor did he hear of any Detachments being ordered on board but that of the 59th: this the Deputation ſaw and heard.

7th.—But apprehending ſome miſtake had occurred, I told the Deputation I expected a reply to my Letter of that day ſent to Captain Foote, which would elucidate the ſubject; at 10 o'clock P. M. it reached me; I of courſe concluded, that the one from the Secretary of Government was the one he alluded to, and ſent Captain Foote's Letter to Lieutenant

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and Adjutant Nixon directly, and we concluded, that the detachments of the Madras European Regiment were not expected to embark, which I communicated to the officers on parade next morning, adding, that they must be prepared to embark at one hour's notice on any other ships that might arrive to receive them on board, which appeared to give much satisfaction, finding they were not going by this opportunity.

8.—About one o'clock P. M. the Purser and Mr. Midshipman Sheppard of the Samarang, returned from the Pettah to my quarters, and, to my astonishment, put Captain Foote's first and original Letter (alluded to in his second) into my hands; which, by mistake they had omitted to do the previous evening. I then expressed my regret at what had passed, although I was convinced it made no difference, as I conceived, from what passed the evening before, that the embarkation of the Madras European Regiment detachment, would be resisted by the *officers of the Garrison*, at all events.

9.—I then sent for Lieutenant and Adjutant Nixon, shewed him Captain Foote's Letter, No. 4, annexed, and directed him to have the parties ready to go on board at 6 P. M. and to send the officers ordered on this duty to receive my instructions. I at the same time observed to the Adjutant, that, from what had passed the previous evening, I had every reason to suppose the embarkation would be resisted, and begged and conjured him to consider of the consequences; and to inform the officers, that if they would pledge their *honour* not to interfere with me in the *execution of my duty*, by carrying the Orders of the Commander in Chief and Government into execution, it would afford me the highest satisfaction, and preserve order and tranquillity.

10.—If, however, resistance was intended to be offered by the *officers* to the embarkation, I should reluctantly be reduced to the disagreeable necessity of applying to Captain Foote, of the Piedmontaise, to land the marines of both ships, and every seaman who could be spared, to see the Orders of Government and the Commander in Chief *respected*, and to enable me to carry them into execution.

11.—So soon as the order for embarking was made public, and shewn to the officers, they ran in a disorderly, tumultuous, and mutinous manner to the barracks of the Madras European Regiment, and the 1st battalion 19th regiment Native Infantry, calling on the men to arms, and prevailed on them to join them in the mutiny and opposition to my Orders, and those of the Commander in Chief and the honourable the Governor in Council.

12.—Captain Kelly and Lieutenant and Quarter-master Spankie, and some other officers, came over to my quarters, conjuring me not to insist on the embarkation, or to send to Capt. Foote for assistance, which could only occasion the shedding of much innocent blood, and endangering the loss of the country; all this passed before the naval gentlemen: their first observation was a most serious one, having got the two corps to join them in the mutiny.

13.—Another party of officers came shortly after up to my quarters, repeating what the others had done, and upbraiding me with giving incorrect information to Government and the Commander in Chief, relative to what passed on the 7th ultimo at the mess, on which they acted, and dispersed the regiment, on my suggestions, as a punishment, which they never would accede to. Many other observations passed, which I do not exactly recollect; but I again intimated to the gentlemen, that had they obeyed the Orders issued, no mutiny could have occurred, or the public service impeded by their conduct and exertions.

Sic. Orig.

14.—Major Storey, who had been sent for by the officers in the Fort, to join in their mutiny, then came to my quarters, told me the two corps were under arms, and would not be dismissed but by a proper authority, and that he was called upon by the gentlemen to assume the command, and put me under close arrest, for the preservation of the Garrison.

15.—I observed to Major Storey, that I neither could nor would acknowledge his illegal arrest and usurped authority (although he might put me into close confinement,) for which he and the officers would have to answer hereafter, having not only mutinied, but prevailed on the troops in Garrison to do so, by ordering them under arms, (without my authority) which they prevailed upon them to resist.

16.—Major Storey then ordered my Letters to be seized, that were coming from the Post Office, to be examined by him, and not to allow any to pass out, or any gentlemen to visit me without his permission; he then, "I hear," issued a Garrison Order, assuming the command (as Captain Andrews did of the Madras European Regiment) and sent off Letters to Hyderabad, Jaulnah, Bombay, Travancore, and every other station and encampment that had united with them in the diabolical conspiracy against the Government of Fort St. George, as will appear, on reference to the register of Letters dispatched; after having completely laid aside the mask, publicly avowing, and boasting of the support they depend upon receiving from their friends, in having their grievances redressed, and imposed on them by their tyrannical Government.

* *Quere.*

17.—Here it is requested to observe, that Lieutenant-Colonel * Dr. Anderson, and Mr. Assistant Surgeon Jones, of the Madras European Regiment, did not join in the mutiny, nor do I think the non-commissioned and privates of the Madras European Regiment, or the native commissioned, non-commissioned, and privates of the 1st battalion 19th Native Infantry, would, had they not been *misguided* by their *guilty officers*, who even *then*, "I hear," had some difficulty to prevail on them to mutiny against my authority, and that of the Commander in Chief and Government.

18.—Lieutenant Cecil, who commanded the main guard, having declined (on every occasion) to join the other officers in their disorderly and insubordinate conduct (by resisting the measures of Government), was relieved from the main guard by the mutineers, not, however, till he had *twice* waited on me, at the risk of his life, the second time after I was arrested, when I told him to submit, opposition being then of no use, and being ill, to report sick, to avoid future ill-treatment from the mutineers.

19.—Finding

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19.—Finding my Letters ſeized by the mutineers, I ſent a Letter ſecretly to Captain Foote by his purſer, with requeſt, that copies of it might be tranſmitted without delay to the Commander in Chief and the honourable the Governor in Council, for their information, having no other means of reporting to them, till I was liberated, when a ſtatement of circumſtances would be duly forwarded; which will fully *prove*, that *nothing* was wanting on *my part* to carry my inſtructions into execution inſtantly, notwithſtanding the ſtate of affairs here, ſo frequently reported ſince my aſſuming the command of the Madras European Regiment, the Garriſon, and Diviſion, previous to which their oppoſition to the meaſures of Government, and confederacy alluded to already, has commenced with the Madras and Bombay Armies.

20.—In juſtice to the purſer of the Piedmontaiſe, I muſt here obſerve, that his miſtake in not delivering the Letter ſooner, was of no other conſequence, but that of delaying the mutiny a few hours, it being regularly organized, and reſolved upon, for ſome time paſt, and my being arreſted, that I might not impede their ſeditious plans againſt Government, ſo actively carried on, ſorry I am to add, with too much ſucceſs. Underſtanding that General Pater will not reach this place before 15th July, I forwarded this Letter in the moſt private and ſecret manner, that Government may be in poſſeſſion of the fulleſt information on the 3d of July, in caſe I may be put to death by the mutineers before or after the arrival of Major General Pater, Commanding Officer of this Diviſion.

(Signed) JAMES INNES,
Lieut. Col. commanding Maſulipatam.

Maſulipatam,
26th June 1809.

To the Officer commanding His Majeſty's Ships, Maſulipatam Roads.

Sir,

In conformity with inſtructions received from the officer commanding the Army in Chief, I have got three detachments of the Madras European regiment ready to embark directly on your ſhips to ſerve as marines; the 1ſt conſiſting of 1 Lieutenant, 2 Serjeants, 3 Corporals, and 25 Privates; 2d, 1 Lieutenant, 1 Serjeant, 2 Corporals, and 27 Privates; 3d, 1 Lieutenant, 1 Serjeant, 2 Corporals, and 27 Privates. The officers ordered on this duty will receive my inſtructions to place themſelves under your command, to be diſpoſed of as you may think proper, and I will ſend them off immediately, if you have no objection. May I requeſt the honour of ſeeing you on ſhore to dinner at my houſe, when I can accommodate any Gentlemen that may accompany you.

(Signed) JAMES INNES, Lieut. Col.
Commanding M. E. R. and Maſulipatam.
In charge N. D. of the Army.

Maſulipatam, 24th June 1809.

To the Officer commanding at Maſulipatam, Military Department.

Sir,

I am directed by the honourable the Governor in Council, to direct that the party of His Majeſty's 59th Regiment now at Maſulipatam, may be embarked as ſoon as practicable, on board His Majeſty's ſhip Samarang, for the purpoſe of being brought to the Preſidency on their way to join their regiment.

The Samarang will lay off the Port for the embarkation of the troops, for the ſpace of 48 hours if neceſſary.

(Signed) A. FALCONER.
Chief Secretary to Government.

Fort St. George, 22d June 1809.

His Majeſty's Ship La Piedmontaiſe, Maſulipatam Roads, 24th June 1809.

Sir,

I have the honour to acknowledge the receipt of your Letter of this day's date, acquainting me, that you had been directed by your Commander in Chief to embark detachments of Europeans from Maſulipatam for Madras, on board His Majeſty's ſhip under my command.

I have already written to you on this ſubject, which Letter is forwarded to you by the purſer of His Majeſty's Ship La Piedmontaiſe. I have, &c.

(Signed) CHARLES FOOTE.

To Lieutenant-Colonel Innes, commanding at Maſulipatam.

His Majeſty's Ship La Piedmontaiſe,
Maſulipatam Roads, 24th June 1809.

Sir,

I do myſelf the honour to inform you of the arrival of His Majeſty's ſhip under my command, with His Majeſty's ſloop Samarang, in company, from Madras, being ordered by his Excellency the Commander in Chief, to embark 100 men of the honourable Company's Madras European Regiment, as well as thoſe belonging to His Majeſty's 59th Regiment, as may be ordered to *proceed* there; the former will proceed in His Majeſty's ſhip under my command, as will the latter in the Samarang. I requeſt you will be kind enough to expedite the embarkation, and acquaint me when it will take place, as it is of conſequence the ſhips ſhould return with all poſſible diſpatch.

I am alſo to acquaint you, that there are two men, whoſe names are in the margin, be- Nil.
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longing to the Madras European Regiment now on board, and have to requeſt that a proper perſon may be ſent to receive the ſame. I have, &c.

To the Officer commanding at Maſulipatam. (Signed) CHARLES FOOTE.

To Captain Foote, commanding His Majeſty's Ship La Piedmontaiſe, at Maſulipatam.

Sir,

I have the honour of acknowledging the receipt of both your Letters of yeſterday's date, and with the deepeſt concern am to acquaint you, that the detachments of the Madras European Regiment, ordered to embark and to ſerve as marines on board His Majeſty's Squadron, will not be permitted to proceed by their own officers, and thoſe of this Garriſon, the men having (from what has been reported to me) reſolved to ſupport and to ſtand by their officers, in oppoſition to my authority, and that of the officer commanding the Army in Chief, and the honourable the Governor in Council.

I ſhall conſequently report this circumſtance to Madras, and wait for further Orders from the Commander in Chief and Government, and leave it to your judgment to remain here till an anſwer is received, or to proceed to Madras without them.

The detachment of His Majeſty's 59th Regiment of Foot will embark this evening, as ſoon as the tide will permit the boats to proceed, and a non-commiſſioned officer will be ſent to receive the two men of the Madras European Regiment, that you brought from Madras.

(Signed) JAMES INNES, Lieut.-Col. commanding
Maſulipatam, 25th June 1809. M. E. Regiment and Maſulipatam.

P.S.—The Garriſon is in a complete ſtate of mutiny. Major Storey has aſſumed the command, at the requeſt of the officers, and placed European ſentries over me. This arreſt I refuſed to obey;—he and they muſt ſtand to the conſequence.

(Signed) JAMES INNES, Lieut.-Col.

Maſulipatam, 28th June 1809.

2d P.S.—Captain Foote landed, but I had not the pleaſure of ſpeaking to him: he was taken to the mutineers, who paid him the uſual honours. This Letter will be delivered to you by Mr. Keble, being forwarded under his addreſs. I will thank you to acknowledge the receipt of it when you write to Dr. Annefley, (who attends on me) being very anxious for its being ſafely received. (Signed) JAMES INNES, Lieut.-Col. M. E. Regiment.

To the Adjutant-General of the Army, Fort St. George.

Sir,

Having ſucceeded ſo well yeſterday in getting my official Reports of the military tranſmitted to you, I feel it a duty incumbent on me, to report other circumſtances, for the information of the Commander in Chief and Government, at this highly alarming and critical criſis; and am to ſuggeſt to Government, to call on the poſt-maſter here for a regiſter of all letters diſpatched from this poſt-office by Major Storey, ſince the 25th inſtant; this I cannot obtain, being a priſoner; by which Government will ſee who are moſt deeply implicated in this premeditated, daring, and extenſive diſaffection, mutiny and conſpiracy, againſt the meaſures of Government; and who appear firmly determined, (if not anticipated and prevented) to ſupport thoſe who have ſo wantonly diſobeyed the Orders of Government, and the Commander in Chief, previous to having recourſe to arms, mutiny, violence, and every indignity they could ſhew, in a contemptuous manner, to Government, the Commander in Chief, and ſelf; which they glory in, from expected ſupport.

2.—Notwithſtanding the boaſted aſſiſtance from the Bombay and Coaſt Armies expected by the infatuated and guilty mutineers here, they would not have preſumed to ſet the Orders of the Commander in Chief and Government at defiance with this diviſion, by reſiſting openly and avowedly the embarkation of the detachments of the Madras European Regiment, had there fortunately been a body of His Majeſty's troops at hand, to awe them, by inſtantly inveſting the place, and quelling their raſh and atrocious mutiny. The anſwers the mutineers expect from their abettors in ſedition, from every quarter, may be moſt eaſily intercepted on their way here, when Government will have full and ocular demonſtration of their iniquity and flagitious conſpiracy, as alſo how correct my information will prove. All my Letters are opened by Major Storey, to give information, knowing me to be an avowed enemy to their nefarious practices, as the friend of Government, to whom I look for ſupport againſt the calumny of our mutual and declared enemies in arms and mutiny againſt us.

3.—If the diſaffected and mutineers are not ſupplied *with money*, the deluded troops who have joined them, *muſt lay down their arms*, and both officers and men depend on their monthly pay and allowances for ſupport, although the mutineers aim at nothing leſs than the removal of Sir G. H. Barlow, B^t. K. B. from the Government of Fort St. George, and having all his acts annulled, which they ſtyle obnoxious and tyrannical; they alſo mean to inſiſt on every perſon being reſtored to office, who were removed ſince Lieutenant-General Macdowall went home, for their conduct in oppoſing the meaſures of Government. Much were the diſaffected diſappointed at the Governor General's not coming round with Captain Elliott to aſſume the Madras Government, and redreſs their *imaginary* grievances. With reſpect to the officer commanding the Army in Chief, they expect daily to get rid of him, by the arrival of Lieutenant-General Sir Eyre Coote, with a ſeat in Council as Commander in Chief.

4.—There is a conſiderable ſum of money in the treaſury here (and much more may be expected

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expected ſoon from the different Collectors, if not ſtopped by order) and every other requiſite to enable the mutineers to hold out, "had they water." This comes from the Pettah, which they can be deprived of by cutting off the pipes on the Pettah road that communicates with the ciſterns in the Fort, and which would oblige them to ſurrender at diſcretion in a very ſhort time, particularly as the troops muſt *now* be fully *convinced* they have engaged in a dangerous and deſperate cauſe, which muſt for ever involve them and their families in ruin and diſgrace. The mutineers have, I heard, had the audacity to write to Lieutenant Colonel M'Leod to aſſume the command of this diviſion, vacated by the mutiny, and to addreſs Government, aſſigning reaſons for their enormous diſobedience and mutiny; how far their profeſſed ſincerity of obedience in future is to be depended upon, time muſt fully aſcertain.

5. The mutineers, who treat me as harſhly, and with ſuch marked indignity for doing my duty, in preference to acceding to their improper requeſt, have the folly to conceive, as if I never had been a priſoner before; that by being under four European ſoldiers, I am precluded from ſtating to Government what has paſſed lately here, and that their report of the mutiny will be implicitly believed, notwithſtanding their well-known diſaffection and inſubordination already. With patience do I ſuffer, and hope to be reinſtated with honour; if I can hereafter add any information that will benefit the cauſe of Government, I will not fail to write to you. This Letter you can acknowledge the receipt, when you next addreſs to Doctor Annelley.

(Signed) JAMES INNES,
Lieut. Col. M. E. Regiment.

Maſulipatam, 29th June 1809.

No. 6.

Extract from the Madras Gazette of the 24th January 1809.

Extract of a Letter from Maſulipatam, dated 1ſt of January.

ON the morning of the 24th, The General reviewed the Madras European Regiment, which after paſſing in review performed a variety of manœuvres, and at the concluſion his Excellency was pleaſed to addreſs Colonel Taylor at the head of his regiment, nearly as follows:

"Colonel Taylor, in performing a neceſſary part of my duty by reviewing the different corps on this Eſtabliſhment, it was my particular wiſh to ſee thoſe in the Northern Circars, and particularly the Madras European Regiment; from many circumſtances, this regiment has in a manner been overlooked, indeed I may ſay neglected; placed in a corner of this extenſive country, it has ſeldom had its practice of duty with the other corps of the Army.

"Notwithſtanding theſe circumſtances, from my knowledge of your zeal and ability, Colonel Taylor, I was confident I ſhould find this corps in the high ſtate of diſcipline it has this morning evinced; and it ſhall be my buſineſs, as much as lays in my power, to let the ſervice benefit from this ſtate of diſcipline, by calling it into more general notice, for I know that this ſtate of inactivity muſt be painful to the feelings of honourable gentlemen and officers, and painful to the feelings of brave ſoldiers; indeed I am at a loſs to know the reaſon for this neglect. This regiment has always been forward for its courage and loyalty; you are compoſed of the ſame materials as the other European corps in the ſervice, and I am certain that the ſame brave and generous ſpirit actuates you.

"Any praiſe I can beſtow upon you, Colonel Taylor, individually, would add but little to the character of an officer of your rank and long ſtanding in the Army, and to one who has always given much ſatisfaction to his honourable employers, and to me, ever ſince I had the pleaſure of your acquaintance.

"Have the goodneſs to convey my thanks to the officers, who from the buſineſs of this morning appear to have given you ſo much ſupport and aſſiſtance; aſſure the regiment at large of my ſincere approbation for its appearance this morning, and of my confident hopes that they will do juſtice to my partiality, if that praiſe can be called ſo, which is ſo juſtly merited."

No. 7.

(Private and ſecret)

Dear Sir, Maſulipatam, 4th July.

I ARRIVED here early this morning; nothing can be worſe than the ſtate in which matters were. Major Storey ſeems a weak man, and the Garriſon was commanded by a Committee of violent ſpirited young men. They deliberated after my arrival on the meaſures they were to purſue, and were at firſt, I am aſſured, diſpoſed to reſiſt my authority; they next made a demand of an act of amneſty for all late proceedings in the Garriſon of Maſulipatam. This I told them it was quite impoſſible for me to grant, that a regular military † proceeding had been inſtituted to enquire into late proceedings, and that I could declare, it was the intention of Government to order a Court Martial to try any perſon this Court thought ought to be tried, but I could ſay no more. They had, I found, pledged themſelves moſt deeply to reſiſt Government, to almoſt all the ſtations in the Army, and had received the ſtrongeſt aſſurances of ſupport from Hyderabad, and I believe a movement towards that quarter was intended in a day or two. The public avowal of their determination to reſiſt Government, made them feel reluctant

† Orig. *Quere* Court.

I have not complete evidence of this fact.

[No. 2. E.] Enclosures in Gen. Letter, Secret Dep. 9th Sept. 1809.

reluctant to relax in their opposition, and their fear of *suffering* for what has past, rendered them quite desperate. They however, after a conference of some hours, became more reasonable, and professed their obedience to my authority, and their acquiescence in the enquiry that had been ordered. I issued the General Orders, and directed the instant release of Lieutenant Colonel Innes from arrest. I saw him: he is no doubt a very good, but he is a weak man: he feels naturally very indignant at what has past, but will be moderate in his conduct. I could have had no idea of the length to which matters have proceeded before to day; an organized opposition to Government was to have commenced as the day after to-morrow; and in the present temper of men, I know not if that event can be avoided. Nothing can be so unfortunate as the occurrences of the mutiny here, as numbers have been hurried into guilt, from which they see no escape, but in all being equally involved. This is a melancholy state to have minds in; I have certainly succeeded in making them abandon their violent measures for the moment, but a relapse is to be apprehended, particularly as it would appear difficult, if not impossible, to tranquillize them by an act of amnesty. What am I to do, in case of an extreme?—the combination is general. Excuse this hurried note.—I have not a moment.

I am, with great respect,
Your obedient servant,
(Signed) JOHN MALCOLM.

(Private and secret.)

Dear Sir, Masulipatam, 5th July 1809.

I wrote you a hurried Letter last night. I have since come to the knowledge of many additional facts, and have had some time to reflect on what I have seen and heard, and I should be as wanting in my duty to you, as to my Country, if I was withheld by any motive whatever, in stating my sentiments in the most undisguised manner, on the present state of affairs; and, whether you coincide in my opinion or not, you can have no doubt regarding those motives that lead me to express, in that sacred confidence which your knowledge of my character authorises me to use, the conviction of my judgment on the steps necessary to be taken upon the present unfortunate crisis. I have now seen the concerted plans of almost the whole of the Army against the authority of Government, and can say, with almost an assurance, that I am correct; that there is not one Company's corps, from Cape Comorin to Ganjam, that is not implicated in the general guilt, and that is not pledged to rise against Government, unless what they deem their grievances are redressed. Be assured, that no commanding officer, whatever they may write, has any real authority over their corps; and though in some places where there are King's Regiments, they are more guarded, their resolution is the same, and they mean to act the moment the example is shewn by those parts of the Army who they consider as most likely to be successful in their first efforts. The Hyderabad and Jaulnah force are chiefly looked to, and the northern division of the Army and the European Regiment, has, from what they style its regimental grievances, become the corps from which they expect the first act of opposition. Its late proceedings are applauded, and confirmed by the force at Hyderabad, and I know it was intended, if there had been the slightest indication of any coercive measures, or even had the Commander in Chief arrived, to have marched this corps, and the two Sepoy battalions, in the division to effect a junction with the Hyderabad force, in order to organize an army, to commence hostilities with Government. Their march was to have taken place as to-day, and it was for five hours after my arrival, a subject of warm discussion, whether I should be recognized or not as their Commanding Officer; and after stating every thing a man could state, to reclaim them to better feeling, I was obliged to give them the choice of the extreme, of either immediately submitting to the order of Government, or of opposing it. They chose at last the former, but placed it on the grounds of that general respect which was paid by them, and all their brother officers, to my character; I did not think it necessary to fight regarding the grounds of their obedience on this point, being satisfied with the substance, and particularly as I had received this proof after they were informed of my sentiments and intentions. Though an immediate open rebellion against Government has been prevented by my arrival at Masulipatam, the danger is not past, and we must not deceive ourselves, or any longer evade this serious question: *The officers of the Company's Army on the coast, are no doubt, at this moment, in a state of actual insurrection against the Government*, and the combination against authority is every moment maturing, and spreading wider. I have seen the Letter from the Bombay Army to that of the Coast, and it is unqualified in its condemnation of the Orders of the 1st of May, and its promise and support; several private Letters have been received from Bengal, and an Address from that Army, to the same effect as that of Bombay, is expected. At all events, they appear certain that no human power will lead the Bengal troops to act against them. They calculate upon opposition from the King's Army, and their plans are concerted to meet it. These deluded men are aware of the ruin they are bringing upon themselves, but their infatuation is so great that they are reconciled to that ruin, in the expectation that it will equally involve that Government against which their rage has been so industriously and so successfully excited. All attempts to reason with men in the state of mind they are appears vain: even the circulation of the able Letter from Bengal, is, as I apprehended, likely to inflame instead of appeasing their passions. It is so true, that when men's minds have gone completely wrong, that which ought to put them right, has in general a direct contrary effect; and the fact is, that all those correct principles and loyal feelings which are so eloquently expressed in the Letter from the Supreme Government, but serve to impress them more forcibly with a sense of that guilt into which they have so precipitately rushed, and to render them more desperate in their proceedings, as they can after what has past, and particularly late events at this place only

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only see individual safety in all being equally involved in the deepest guilt. I intreat you to be perſuaded, that theſe ſentiments are quite general, or at leaſt, that the few who do not entertain them have neither the means or the courage to oppoſe their progreſs, and allow themſelves, with an indefenſible paſſiveneſs, to be borne along with the tide.

Under ſuch a ſtate of circumſtances, all hopes of this ſpirit of inſurrection ſubſiding muſt be at an end; ſome ſteps muſt inſtantly be taken, and no good can reſult from the application of any partial remedy. The diſeaſe is general, and the remedy muſt be ſo alſo; it remains with you to decide on the meaſures that are to be adopted. The firſt and moſt military, though not perhaps the moſt political, that ſuggeſts itſelf, is the employment of actual force. In ſuch a conteſt, however, not only the means muſt be calculated, but the reſult, and as far as I can judge, ſucceſs, even in this extreme, would not ſave us from the moſt baneful conſequences. It ſeems, therefore, not wiſe to have reſort to ſuch a meaſure, till every other that it is poſſible for Government to take, without the annihilation of its own power and dignity, has been tried, and failed: unqualified conceſſions to the demand of the Army, either in diſmiſſing public ſervants of Government, or in reſcinding its Orders, would be a virtual reſignation of its power, and cannot, therefore, be made; it would, indeed, be better and more honourable, *if matters were at the worſt*, that Government ſhould fall by any hands than its own. Should Government not reſolve on having immediate recourſe to force, one line only remains that could, at the preſent moment, afford a rational hope of the neceſſity of having recourſe to that extreme being avoided, or at leaſt, of its being reſorted to with advantage; which is, to meet the criſis at once by a General Order to ſomething of the following purport. "Government finds, with concern, that it can no longer indulge that ſanguine hope, which it once entertained, that the irritation, which a variety of cauſes have combined to produce in the minds of the Company's Army on the Coaſt, would ſubſide; and as it is ſatisfied that the evils which muſt reſult from the exiſtence of thoſe combinations againſt its authority, that are now formed in almoſt every ſtation, will, if ſuffered to continue, be as injurious to the public intereſts, as if thoſe by whom theſe proceedings are carried on were in a ſtate of open hoſtility to Government; it feels compelled to anticipate every extreme that can occur, and to publiſh to the Army at large the final reſolutions which it has adopted, under this extraordinary and unparallelled ſituation of affairs; and theſe reſolutions will, it is ſatisfied, be found to combine as much attention to the feelings of the Army, as it is poſſible to ſhew, without a ſacrifice of the public intereſt, and an abandonment of the authority and dignity of Government.

"The Governor and Council can, and does make every poſſible allowance for feelings ſo ſtrongly excited as thoſe of the officers of the Coaſt Army have been, and is diſpoſed to refer that great agitation of mind, into which they have been thrown by a concurrence of cauſes which muſt greatly mitigate, if they do not altogether extenuate, that degree of criminality which muſt always attach to ſuch proceedings; and, under ſuch impreſſions, he can view their extreme ſolicitude regarding thoſe of their brother officers whom he thought it his duty to ſuſpend the ſervice, with that conſideration, which is due to a highly meritorious body of officers acting under the ſtrong impulſe of warm and honourable, but miſtaken feelings; and with ſuch ſentiments he cannot deem it derogatory to Government to ſtate, that he intends, in the full confidence that the officers of the Coaſt Army will abandon their preſent dangerous courſe of proceeding, to recommend to the honourable the Court of Directors the reſtoration to the Service of thoſe officers, whoſe ſuſpenſion, and the reaſons which led to it, have been reported to them, and who are conſequently the only authority by which that act can be repealed; and he can have no doubt but the earneſt deſire of their brother officers, combined with the high character which moſt of the officers under ſuſpenſion formerly held, will induce the honourable Court to overlook their late conduct, and comply with this recommendation. Acting upon the ſame principle, Government is pleaſed to appoint Colonel Bell to the charge of the battalion of Artillery at the Mount, and Colonel Chalmers to the command of the ſubſidiary force in Travancore.

"Lieutenant Maitland is appointed Quarter-maſter of the European Regiment of Infantry.

"The Committee of Enquiry ordered to aſſemble at Maſulipatam, is repealed, and no act either of any body, or of individual officers in the Company's ſervice, of which no cognizance has yet been taken, and which occurred before the preſent date, will be made ſubject of future notice, or even operate to the diſadvantage of ſuch body of officers, or individuals, unleſs they ſhould, by a perſeverance in the ſame courſe, and a repetition of the ſame conduct, forfeit all claims to ſuch lenity and conſideration. At a moment when Government has taken ſuch ſteps to tranquillize the agitated minds of the Army, and to leave even the moſt miſtaken without a plea for perſeverance in their preſent dangerous courſe, it muſt declare its poſitive and final reſolution neither to alter or modify this proceeding. It will yield no more to the intreaties or demands of the Army; and if any officers are ſo infatuated, and ſo loſt to every conſideration of the public good, and the general proſperity of their country, as not immediately, on the promulgation of this Order, to abandon their preſent courſe of proceeding, Government muſt, however much it may deprecate ſuch an extreme, meet it with that firmneſs and courage which becomes a conſtituted authority of the empire of Great Britain. It has contemplated this poſſible, though it truſts highly improbable event; and the different officers entruſted with command, are directed, ſhould any ſpirit of turbulence and inſubordination appear among the officers of the troops under their command, to puniſh the individuals with all the ſeverity of martial law; and ſhould the operation of the regular courſe of juſtice be impeded either by a combination among the officers or men, ſuch will inſtantly be proclaimed rebels againſt the legal authority of Government and their country;

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as Government is perfectly satisfied, that the public interests will receive more injury from any effort to conciliate men who persevere (after what has past) in principles so opposite to the restoration of order and discipline, than it even can "meet from them as open enemies to their King and Country."

I am aware that a thousand objections may be made to an order of this nature, but it must only be tried by the times. Matters have arrived at their crisis, that something decisive must *instantly* be done. There is not an hour for delay; and what I have suggested is only the first Proclamation, in a war that seems to me, even with this step, almost unavoidable. If human means could avoid it, this act will, for it holds out every motive that can incline men to good, and deter them from evil. It concedes, no doubt, in some points, but the case is urgent, and the spirit of concession is corrected by the firmness and resolution which is mixed with it; but your own mind will suggest every thing. I am, as you know, devoted to the cause of my country. It will depend upon you where I am to act. If matters draw to an extreme, I should prefer my station, Mysore, as that in which I have most influence, and could, in consequence, contribute most to the support of the public interests. I cannot conclude, without again entreating you not to allow yourself to be lulled into security, and to be satisfied of the absolute necessity of taking some step or another to save the State from the imminent danger to which it is exposed. But inaction, even dangerous as it is, may be better than the commencement of a coercive system, before steps have been taken to gain more friends to Government than it has at present in the Army. And I confess, I can see no mode of doing this, but by a measure which is completely decided and final; and which, while it grants every indulgence even to erroneous feelings, looks to the close of this great question, with a moderate and conciliatory, but a firm and manly spirit. I shall be most anxious for your sentiments as soon as possible, on the line I am to pursue at this place. The question of the marines and the removal of some of the officers, had, I find, (for they have shewn me all their Papers,) been anticipated by the other stations, and the opposition here was in part by *instruction, and subsequent Letters sufficiently shew, that this case is no longer that one, nor of the Garrison of Masulipatam, but of the whole Army, and that they are most deeply pledged to the support of each other. Indeed, *there cannot be a doubt*, but the punishment of any one would cause the whole to break out. This I feel it my duty to avoid, as well as to prevent their marching, which was their intention, and which they expect to be called upon to do, till I know the general line you mean to pursue.

* Orig.

I am, my dear Sir,
With respect, your faithful servant,
(Signed) J. MALCOLM.

Hon. Sir G. H. Barlow, Bart. K. B.

(Private and Secret.)

Dear Sir, Masulipatam, 6th July 1809.

After my Letter of yesterday, I have little to add; I can only again implore your most serious consideration to the whole question, and your instant decision on the line that is to be pursued, not merely here, but with the whole Army; no half-measures will at this moment answer, and unless some effort is made to appease the minds of the deluded officers of this Army, you must make military preparations to reduce them to order, and these must be directed against every station under your Presidency, for though success may be various, an effectual opposition will be made at all; and none are more violent than some of those nearest the Presidency. If you adopt a measure of the nature that I recommended yesterday, it should be *quite final*, and therefore embrace every concession, an act of conciliation *that you can make*, without a substantial sacrifice of the dignity of Government. I can think of no improvement to this order, except you conceive the great object of avoiding hostilities would justify the following addition to it.

"Government received a representation from a number of the officers of the Coast Army, in which they solicited the equalization of their allowances with those of the Bengal Army. This is a subject, the consideration of which must exclusively rest with the Court of Directors, under whose notice this application will in course be brought, and by whose decision it will be the duty of the officers of the Coast Army to abide."

This Order (which is only a repetition of facts) added to what I suggested yesterday, would, I think, *if firmly acted upon*, completely end the present agitation, or, at all events, you would only have a part to combat, instead of the whole. Every man who was not lost to reason and loyalty, would be recovered; and the few that resisted, if any did, would soon be reduced. This mode of settlement would, it may be stated, give a triumph to the Army, establish a dangerous precedent, and violate the fundamental principles of the Indian Government, but it is not principles, but an empire that is in danger; and what other course can be adopted? No man can calculate the consequences of a contest between Government and its Army. The delusion which prevailed, that the officers would never proceed to extremes, is now completely dissipated. I have read Papers from almost every Division, calling upon this Garrison to commence opposition, and I (two hours ago) read another Paper from the Hydrabad force, approving of the proceedings of the Garrison at this place, in the case of the Marines and Colonel Innes, declaring it to be the cause of the whole, and promising full support. I know Papers of the same kind will be received as fast as the Tappals can bring them, from every station in the Army, and that they are all pledged never to let a man or officer of this Garrison be punished, for a proceeding which they consider (and with truth) to have been caused by the general state of discontent and turbulence in the Army. The Garrison here

are

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are equally impelled to action, by a ſenſe of their danger from what has paſſed, and a deſire to obtain credit with their brother officers, for being the firſt to ſtep forward in the common cauſe. My authority was at firſt diſputed, and they have ſubſequently tried, by every means that men could uſe, to obtain from me promiſes of amneſty and of inaction, in the event of their being forced to move at the call of their brother officers; ſuch promiſes I have of courſe ſteadily refuſed, and I have taken advantage of every moment to diffuſe better ſentiments, but I ſhould deceive you, if I ſtated that my ſucceſs went further than to keep them quiet. For the moment they are quiet, and unleſs a movement is made by the Hydrabad or Jaulnah force, I think they will remain ſo till ſome general meaſures are adopted by the whole, and I have (I hope not erroneouſly) conſidered, that to keep them, by any means that do not compromiſe my own authority, or that of Government, from acting at ſuch a moment, is an object of the greateſt importance, for if any one corps begins, there is no remedy but in a war.

If this was only a mutiny of the garriſon of Maſulipatam, it would be an eaſy queſtion, and I ſhall be proud to hazard my life in an effort to quell it to-morrow morning; but one ſtep of any deſcription, taken in this affair at the preſent moment, would undoubtedly cauſe a general riſe in the Army; and it is, I conceive, of ultimate importance that you ſhould know and prepare for this great political danger; and I have conſequently laboured inceſſantly, and I hope with ſucceſs, to prevent its breaking out at this moſt inflammable of all quarters.

The officers here have written to other ſtations, to know whether they are to ſubmit to the inveſtigation of the Committee; they were greatly diſappointed at my not coming up, as they firſt expected, with powers to treat with them. They would, no doubt, have been highly flattered at ſuch a reſult to their violence; and I am aſſured I need not ſtate to you, that any mode would be leſs injurious to the intereſts of Government, than that of its ever entering (as it once did) into a diſcuſſion with the officers of its Army, upon this great queſtion. If you think you have not means to reduce the officers of this Army, or if you ſhould not like to reſort to them, there is only one mode, that of iſſuing an order, conceding all you can, without hazard to your authority, concede, and then coming to iſſue in a bold and prompt manner. This, though it may be thought a conceſſion of ſome points, is ſtill an act of authority, and that character of the meaſure will maintain the dignity of Government, which would be altogether loſt in a negotiation with its own officers.

I am aware, that the opinions which I have expreſſed are very different from thoſe you have heretofore maintained, but the caſe is altogether changed; ſteps of too bold a nature have been taken for the officers of the Army to retreat, and they will immediately proceed, unleſs ſome meaſure is inſtantly adopted, to arreſt them in their infatuated career of guilt. The queſtion has become entirely a practical one, and muſt be tried as ſuch, as much as if the country was ſuddenly invaded by an enemy, againſt whom we could uſe the means moſt calculated to repel him, without any reference to general principles, or to precedent. The fact is, that courſe has been tried, and has failed, and another muſt be reſorted to, and meaſures muſt be taken, when the State is in leſs danger, to infuſe better principles, and to eſtabliſh a more efficient controul over our Indian Armies.

I am, with reſpect,
Your moſt faithful
(Signed) JOHN MALCOLM.

Hon. Sir G. H. Barlow, Bart. K. B.
&c. &c. &c.

(Moſt private)

Maſulipatam, 7th July.

My dear Barclay,

You will hear the ſubſtance of my late communications to Sir George, and you probably will not quarrel with the opinions I have given, though others may, who think more of maintaining conſiſtency upon paper, than of practical Government. I have no fear now of this Garriſon doing any thing, unleſs other parts of the Army break out, and that will not, I hope, take place immediately*; but ſomething muſt be done, as the danger of leaving them in this fermenting ſtate increaſes every hour; they are in fact afraid to retract, and ſhame, deſpair, and hope, combine to impel them forward. I know they are haſtening to their own deſtruction; but is it politic to let them deſtroy themſelves, even ſuppoſing that operation did not hurt Government? Certainly not; and if that extreme can be avoided by any meaſure which does not ſubſtantially affect the authority of Government, it ſhould be adopted. Let us look near this bug-bear principle of conſiſtency, at which ſome men are ſo alarmed. The Order of the 1ſt May was intended to break up a deſperate conſpiracy againſt Government, which was in progreſs: it effected the object; and now that a conſpiracy has got head, of a more extenſive nature, are we not to uſe the means which ſeem likely to deſtroy it, becauſe they are of a different character from thoſe uſed on the 1ſt May, and in ſome reſpect abrogate parts of that proceeding? It is aſſuredly the effect which ſhould be our chief and ſole object, and we ſhould quarrel with no means that do not *actually* impair our ſtrength and injure our dignity: thoſe I have recommended would, I think, raiſe both. Tell Sir George I am inceſſant in my endeavours to infuſe better principles; I talk with all, and can hardly myſelf believe the change which has, in ſome reſpects, been produced. I have given them no promiſes, I have made them no pledges, but I have told them I would take no ſteps but in an open, manly way; and that I expected they would make no ſecret attempts againſt my authority. In this they acquieſced. I have given them all my letters regarding this unfortunate criſis, that to Doveton, &c. to read, and I have painted to them in the ſtrongeſt colours, the horrors and deſtruction which muſt follow *an act*

* I mean, not in two or three weeks.

[No. 2. B.] Enclosures in Gen Letter, Secret Dep. 10th Sept. 1809.

act of any open departure from their duty. The facts I have ſtated are not denied by the few among them who have ſenſe and moderation; but even they declare to me, that they are pledged beyond the power of retracing their ſteps.

I wiſh ſome of thoſe who are ſuch reſolute chamber counſellors had gone through the firſt two days I did, with theſe poor miſguided men. It would have been a leſſon during life. I thank God, I have eſtabliſhed, without any compromiſe or conceſſion, the authority of Government over men who had almoſt completely thrown it off; and I am pleaſed at having done this in a manner that has led thoſe very deluded men to expreſs gratitude for the conſideration I ſhewed to their agitated feelings. I have referred every thing to the wiſdom of my ſuperiors, and happen what will, I can never have cauſe for ſelf-reproach.

Yours ever,

(Signed) JOHN MALCOLM.

(Private)

(Moſt Private)

Our little party of Artillery here is true; but it is the only party I yet know that can be depended upon.

My dear Barclay,

The only thing I have ſeen to-day is, a Letter from the Committee at Jaulnah, intimating the approbation of their proceedings here, and their reſolution to march the moment it became neceſſary to ſupport them. I ſaw a private Letter from Hyderabad, ſtating, that it was the general opinion and wiſh there, that Maſulipatam ſhould not be abandoned, and that two battalions and a regiment of cavalry would be ſent to ſupport the troops of this diviſion. They conſider themſelves pledged to ſhew me all Papers, and they do ſo, but the fact is, that it is a new and important feature in this conſpiracy, that they no longer think any concealment neceſſary. Some meaſures muſt inſtantly be taken with theſe deluded men, and Government muſt go as far the firſt ſtep as it ever can go, to try and reclaim them. If little expedients, or half meaſures, are taken, all will be confuſion and trouble. Depend upon it, the firſt King's corps that is moved, the whole commences; their private correſpondence with Bengal is now very active. I am perſonally here, going on ſmoothly and well, and loſe not a moment in giving better impreſſions: but though this may calm for the moment, and diſpoſe them to receive any thing like a conſiderate deciſion, it will never ſtop proceeding.

Yours, very ſincerely,

Maſulipatam, 8th July 1809. (Signed) JOHN MALCOLM.

No. 8.

Dear Malcolm, Fort St. George, 12th July 1809.

SIR George Barlow has received your Letter of the 4th inſtant, and he deſires me to expreſs his entire approbation of all your proceedings, as reported in that Letter.

The obedience to your authority, manifeſted by the officers and men of the Garriſon, has afforded to the Governor the greateſt ſatisfaction.

As it is poſſible that conſiderable delay may ariſe in the arrival of the other members of the Committee appointed to enquire into the circumſtances which led to the late occurrences at Maſulipatam, the Governor authorizes you, if the meaſure ſhould appear to you to be adviſable, to proceed in that enquiry by yourſelf, reporting the reſult for the information and orders of Government.

In the mean time, Sir George Barlow leaves it to your diſcretion, to grant a pardon to the non-commiſſioned officers and privates of the Madras European Regiment, and to the native commiſſioned and non-commiſſioned officers and privates of the native corps, for any part which they may have taken in the late irregularities.

The Governor preſumes, that you have explained the circumſtances which led to the Orders for the purpoſe of performing marine duty on board of His Majeſty's ſhips; and that you have diſtinctly ſtated, that there never exiſted any idea or intention on the part of Government, to diſperſe or break the Madras European Regiment, and place the officers on half-pay, or inflict any puniſhment, impoſe any mark of diſgrace or diſapprobation whatever on that corps.

Sir George Barlow has alſo received your Letters of the 5th and 6th inſtant, and will reply to them without delay.

I remain, &c.

(Signed) R. BARCLAY,
Military Secretary.

To Colonel Malcolm.

Dear Malcolm, Fort St. George, 12th July 1809.

You will have received my Letter of this date, in reply to your Letter of the 4th inſtant, which related more immediately to the recent occurrences at Maſulipatam, and to the meaſures which you had adopted with regard to that Garriſon.

I am now directed by Sir George Barlow, to reply to your Letters of the 5th and 6th inſtant, reſpecting the ſtate of the Army generally, and the courſe of policy which you recommend to be purſued.

Sir George Barlow deſires me to expreſs to you his thanks for the very unreſerved manner in which you have communicated to him your opinion on this important ſubject.

After the matureſt conſideration, he cannot ſatisfy his mind of the policy of the courſe of meaſures which you have recommended to his adoption.

You

[No. 2. B.]
Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

You have indeed been long apprized of the sentiments of Sir George Barlow with regard to that course of policy, and the information which you have now communicated to him, instead of altering those sentiments, has confirmed him in his opinion of the necessity of maintaining the authority of the Government with unshaken firmness and resolution.

You cannot now render a more acceptable service to the public interests, than by exerting your influence and ability in keeping the Garrison of Masulipatam firm to their duty, and in satisfying the officers that it is not less for their interest, than it is consistent with that duty, to await the decision of the authorities in England, on the several questions which have occasioned so much agitation in the minds of a considerable portion of the Army of this Establishment.

As Sir George Barlow entertains the fullest confidence that your endeavours for this purpose will prove successful, that no extreme cases of the nature of those to which you allude occur. If, however, any such cases should occur, he leaves it entirely to your discretion to adopt such measures as you may deem best calculated to meet the exigency of the occasion, and to enable you to maintain your authority in the Garrison under your command.

In consequence of the information communicated by you, Sir George Barlow has deemed it to be expedient to assemble a considerable force, consisting of His Majesty's and the honourable Company's troops in the neighbourhood of Madras, for the purpose of protecting the seat of Government, and enabling the Government to maintain its authority under all possible circumstances.

I remain, &c.

Colonel Malcolm. (Signed) R. BARCLAY, Military Secretary.

No. 9.

Dear Sir, Masulipatam, 17th July.

I HAVE this moment received a Letter from Lieutenant-Colonel Barclay of the 12th instant, from which I observe, that you deem it impolitic to adopt any measures of the nature I suggested in my Letters of the 5th and 6th July from this place. If I did not consider the present, as one of the most serious crisis that ever this empire was placed in, I certainly should not again intrude myself upon your notice, but I feel bold in the consciousness that I am performing a duty of the most sacred nature, and you will, I am assured, pardon the earnestness with which I solicit leave to be allowed to report to you personally the result of the proceedings here, and of all I have seen or heard connected with the general combinations in the Army, as well as those means by which I think it may be averted, or its objects (if it does occur) in some degree defeated. It is quite impossible for me to convey to you in any Letter, the extensive information I now possess upon this subject, and I should only be four days in going to Madras, and could return, if required, with equal celerity; little time would be lost by my making this journey, and I feel satisfied, its result might be of the utmost consequence to the public interest.

Major-General Pater will be here the day after to-morrow, and no inconvenience would result from the want of a high military authority; but I would not of course proceed, if he thought there was any urgent call for my remaining here; but such a trip would, I am assured, tend to calm, instead of irritating men's minds, as they would suppose I had gone to make a full representation of all that had past, all that I have observed.

I entreat you to pay attention to this earnest request; and if you do that, you will order Lieutenant-Colonel Barclay to station bearers as far as Ongole; I shall lay them to that place, in the confidence that your kindness will not deny me this opportunity of endeavouring to promote the public interests by important communications.

I beg you will not conceive that I am so presumptuous as to hope to change any of those principles you have laid down for the government of your conduct; but I am convinced, I can give a detailed information that will be useful, under every aspect which the present danger may assume.

I am, with respect, yours faithfully,

(Signed) J. MALCOLM.

(Most private.)

My dear Barclay,

I shall be glad to see Sir Arthur's Papers. When I wrote to Sir George, and proposed that he should, along with every decided step, make some *re-appointments*, I of course meant to include several that I did not mention by name; but if this principle is acted upon, Government cannot be *too large* in their *first Order, any thing little will spoil all*; gentlemen who lose by these arrangements should be declared in public Orders to have the *right of succession to the first vacancies*. There are more Letters advising Masulipatam to be kept; and in one of to-day from the Committee at Hydrabad, I find they are equally public there in their proceedings, so I suppose you must have heard from that quarter; no order for the movement of a corps in any of these divisions will be obeyed, nor even the removal of an officer, so that the necessity of some measures being adopted is quite indispensable. Perhaps Sir G. H. Barlow will wish to see me at Madras with the Report of the Committee, but this will be perhaps too great a delay. Taylor or Irton should command this regiment. I saw a Letter from Hydrabad to-day, written under a conviction that the Bengal Army had taken up their cause. This, I have told them, is one of a thousand dangerous errors into which they are led, but I do not think they believe me, for they are completely infatuated.

I am, yours ever sincerely,

Masulipatam, 18th July 1809. [Signed) J. MALCOLM.

[No. 2. B.]
Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

No. 10.

Lieutenant-Colonel John Malcolm, &c. &c. &c.: Masulipatam.

Sir,

SIR George Barlow has desired me to acknowledge the receipt of your Letter of the 17th instant. He directs me to refer you to his instructions, in my two Letters of the 12th instant, in reply to your Letters of the 4th, 5th, and 6th instant, and again to acquaint you, that he considers your continuance at Masulipatam, for the purposes stated in those instructions, to be of the most essential importance to the public interests. The Governor therefore desires, that you will on no account leave Masulipatam without his orders for that purpose.

The Governor requests, that if you are in possession of any further information, of which it is of importance he should be apprized, you will be so good as to communicate it in writing.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) R. BARCLAY,
Military Secretary.

Fort St. George,
22d July 1809.

No. 11.

(Private and confidential.)

My dear Barclay, Masulipatam, 18th July 1809.

I LAST night received your Letter of the 12th instant; and am most happy to learn, that Sir George Barlow approves of my first proceedings.

I expect that Berkeley and Evans will be here the 21st or 22d, and it is my decided opinion, no investigation should be made till they arrive. This enquiry must be considered by the whole Army, as a regular military proceeding, and the impression made by the appointment of such a Committee would be lost, if I was to execute its duties,—besides, the delay is trifling. If Sir George adopts no measure which supersedes the object of this Committee, I should wish to be authorized to carry the report to Madras. I will travel Dawke, and can, if required, return in the same way. General Pater will be here, and Berkeley can, if necessary, be appointed to the temporary command of the regiment. If Taylor is not brought down, *which I think* he ought, from Vizagapatam, believe me, *it is of the* utmost consequence I should personally communicate with Sir George Barlow, upon the whole of this important subject. I am glad Sir George Barlow has placed it at my discretion to pardon, if I thought it necessary, the non-commissioned and privates) Taylor is an excellent steady officer, has great weight with the regiment, particularly the men, and, though he signed some papers, is, I feel satisfied, true to his Country and the Government) of this Garrison; but no circumstance short of an open attempt to throw off my authority, can ever lead me to think of such a step, as it would immediately drive to despair the European commissioned officers, on whose temper and moderation depends, at this moment, the allegiance of almost
Sic. Orig. all the officers of the Company's Army on the coast, *few one line knowledge* at this moment. spread the flames of mutiny over the Peninsula. Under such circumstances, of what consequence would even a triumph over a few officers at Masulipatam be, supposing that certain, unless you were prepared for contest every where? I will never abandon my authority, or fail in the performance of my duty, but I never shall (unless positively ordered) take any step that I conceive likely to involve my country in a civil war. Such an extreme it must be the wish of Government to avoid, as long as it possibly can; nothing, indeed, can justify its commencement but the total failure of every possible means to prevent its occurrence. The present combinations of the officers of the Company's Army against the Government, has hardly a feature common with an ordinary military mutiny, and therefore the principles that would apply to the one, are by no means applicable to the other. It is not the reduction of a corps or garrison to order an obedience, but the reclaiming a large body of men to their attachment and allegiance to the State they serve, which is the object; and this never can be done by partial measures, whether these are of a lenient or a coercive nature. I have no doubt but Government would ultimately triumph in the contest, if it commenced this moment, but it would be a triumph over its own strength, and the occurrence of such a rupture must produce consequences that will shake our Indian empire to its base.

From the progress of the present agitation, I fear Government will not have much time for* consideration, and it should always be recollected, that in a crisis like the present, every thing depends on the moment at which measures are adopted; and the same act, which would be successful to-day, would perhaps totally fail of producing the desired effect, if adopted a month hence. You will satisfy Sir George Barlow, that one of the first things I did after I came on shore, was to satisfy the minds of the officers, and through them, of the men, of the intentions of Government, in ordering a party of marines from the corps; and you will see, by the enclosed extract from my Journal, that I took the first good opportunity that offered, of stating this fact in the most public and impressive manner to the whole Regiment.

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* There are two distinct measures now in progress, one an *Appeal* to *Bengal*, and the *other Plan* to obtain, by operations of a combined nature, if they cannot by remonstrance, the repeal of the Orders of the 1st May.

I am

[No. 2. B.]
Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

I am moſt anxious to hear from Sir George Barlow, ſubſequent to his receipt of my Letters of the 5th and 6th inſtant, as my mind is in a ſtate of the moſt diſtreſſing anxiety. I have, however, to ſupport me, the conſciouſneſs of having fulfilled my duty to him and to my country.

I am ever yours ſincerely,
(Signed) JOHN MALCOLM.

My dear Barclay, Maſulipatam, 18th July.

A moſt violent Letter was received from the Committee at Hyderabad yeſterday, abuſing the Garriſon for ſuffering me to enter the Garriſon, and deſiring my inſtant removal, unleſs I promiſed the Orders of the 1ſt of May ſhould be reſcinded. I have had a dreadful ſtruggle all day, but they are at laſt moderated in ſome degree. Their preſent reſolution is, to wait two days; but as I mean to commence the enquiry to-morrow, agreeable to the authority I have from Sir George, I truſt they will agree to-morrow to remain in their allegiance, till the reſult is known. I ſhall finiſh it in four days, and probably, if General Pater acquieſces, carry it myſelf to Madras. I beg you will poſt boys as far as Angole. I ſhall return, if neceſſary, inſtantly, and I can loſe nothing by the journey; and the information I ſhall have it in my power to give will be of ultimate importance under every reſolution Sir George takes.

Yours ever, moſt truly,
(Signed) JOHN MALCOLM.

My dear Barclay, Maſulipatam, 21ſt July.

An account has juſt arrived, of the oppoſition of the 2d of the 10th, to obey the Orders of Government. This has cauſed little ſenſation in the Garriſon, and is not expected to be followed by any movement at Hyderabad, and I feel confident now, that nothing but one of the diviſions marching will make this deluded Garriſon ſtir a ſtep further. I ſhall be with you on the 26th. I wiſh I could fly, as I am aſſured I can give Sir George Barlow the moſt complete information regarding the whole character of this wide diſaffection.

Yours, ſincerely,
(Signed) JOHN MALCOLM.

(Private)

Dear Sir, Maſulipatam, 19th July 1809.

I wrote a ſhort note to Colonel Barclay laſt night, informing him of the change that had taken place here, in conſequence of the communication received by the officers of the Garriſon from the different *Committees* of the other ſtations, and particularly that of the Hyderabad force, in which they were inſtructed to call upon me for an inſtant aſſurance, that the Order of the 1ſt May would be reſcinded, and if I refuſed to give it, to throw off their allegiance and obedience to Government; and they were aſſured their example would be inſtantly followed by every corps in the Service; and part of the Hyderabad force was, they were told, ready to march to their ſupport. The ferment which the receipt of thoſe Letters occaſioned, is not to be deſcribed. I ſent for ſome of the ſenior officers, and communicated my ſentiments regarding the *irretrievable* ſtep this Garriſon was on the point of taking, and pointed out, in the ſtrongeſt colours, all the horrors to which it would lead. I told them I muſt proceed to do my duty, if I found any raſh reſolution was taken, and that it would prove the commencement of the moſt horrid and unnatural conteſt that ever occurred. The truth of my arguments was admitted by ſome of thoſe to whom I ſpoke, and their efforts, after a great ſtruggle, calmed the minds of the others ſo far, that they agreed to wait for ſix days further. This I ſtated was nothing. It was, in fact, better to come to iſſue at once. That it had been my intention to have proceeded (in conſequence of authority I had received from you;) inſtantly into the enquiry of paſt tranſactions; and that I had meant, if I had thought there was no fear of this Garriſon throwing off its allegiance while I was abſent, to have gone to Madras and made this report in perſon, but if their ſentiments did not alter I could not carry that reſolution into execution. They ſtated their belief, that the officers of the Garriſon of Maſulipatam would be moſt reluctant to refuſe aſſent to any propoſition of mine, that did not go to detach them from that general cauſe, to which they had ſworn to ſacrifice their lives; and that though they knew from what had paſſed that I would give them neither promiſes or pledges, nor even communicate my opinion of the probable meaſures of Government, they hoped there would be given, that unleſs other parts of the Army moved, or threw off their allegiance, that the Garriſon of Maſulipatam would remain dutiful and obedient till I returned to communicate the reſolutions of Government, or till that was intimated through ſome other channel. *Quere*, them an aſſurance.

I have conſidered it of great importance to delay that open oppoſition, to which this Garriſon has been excited by every ſtation in the Army, as I was certain, under whatever circumſtances it might occur, it would be the ſignal for the whole to throw off their obedience. The Garriſon here is not more than 1,100 effective men, excluſive of the Artillery, and if an effort had been ſucceſsful to detach the men from their officers, who are *to a man* combined againſt Government, it would not have prevented the exploſion: it would but have encreaſed that deſpair and madneſs which are impelling men to theſe acts of diſobedience, and no partial benefit that could have ariſen, would have counterbalanced the general effect of this meaſure; beſides, I cannot ſpeak with confidence of the ſucceſs of this attempt. The *men, even* of this Garriſon, have been already debauched from their duty; and as it has been hitherto my object to reclaim the officers to their allegiance, and at all events to delay the execution of their plans, it was incompatible with the ſucceſs of ſuch a line of conduct, to attempt to ſound their men, or to make any private efforts to ſhake their attachment to

[No. 2. B.] Enclosures in Gen. Letter, Secret Dep. 10th Sept. 1809.

their officers: such attempts would have produced an instant open mutiny, and this for causes before stated I was anxious to avoid; besides, such an expedient would have been baneful to the Service, and was not to be resorted to while a hope remained of reclaiming the officers to a sense of their duty.

I hope these reasons will satisfy you of the wisdom of the part I have taken; and you must see, that unless I wished to precipitate the general revolt of the whole of the Company's Army, I could not, if I remained here, and waited your answer to my report, take any steps with the men to secure their fidelity; and I shall (if it is your wish I should) return to this command with your final orders, as strong, and probably stronger, in influence (as coming direct from the Seat of Authority) as I should have been, had I remained till your answer was received. There is little chance of any thing occurring when I am away, as most stations look to this; and the result of your proceedings on the report I make will be awaited. Thus the Government will gain time, which, under every plan you can mean to pursue, must be an advantage to you, and a disadvantage to those combined against your authority. Their insanity is at this instant at its height, and every moment that action is delayed, reason has a chance of operating; besides, their Committees are likely to differ in opinion, and this is a proof of weakness some of them already begin to discover. I have not lost a moment, as I will shew you by my Journal and Letter-book when I arrive, in disseminating correct sentiments, and in exposing to them, in the boldest manner, the true nature of that deep guilt on which they are rushing. I have drawn their attention to a different nature, of the dangers and ruin that will attend their perseverance in this course, from what they have hitherto contemplated; and though the proceedings have brought a thousand calumnies upon my head, I know great effect has been produced in the quarters where it is most essential, the senior and thinking part, whom it has been my object to rouse; as I am satisfied, if extremes are resorted to, they will command the men.

Orig.

When to all the reasons I have stated for my proceeding to Madras immediately (that is, in three or four days from this date) is added the advantage you may receive from the very extensive information I can give you of the temper of the Army, and of their general plans of combination and action, I cannot but anticipate your approbation of this step. At all events, you must be satisfied, nothing but a conscientious conviction of its being essential to the public interests, could have led me to take it without your previous sanction.

I am with respect, yours faithfully,

(Signed) J. MALCOLM.

Sir G. H. Barlow, Bart. K. B.
&c. &c. &c.

P. S.—I have, since writing the above, seen some of the senior officers, who assure me, that they and their officers are as jealous of my honour as they would be of their own, and that if I think it necessary to go to Madras, they will pledge themselves for the orderly and dutiful conduct of the whole till my return, unless in the very unlikely case of other stations rising in arms, which they will do every thing in their power to prevent, by representing to them the pledge they have made, which they will assure them is voluntary, and has been made without the slightest promise from me. I have indeed cautiously avoided any communication that could lead them to believe I entertained an opinion that Government would make any concession; and the same language is held in the private letters I have communicated to them, with regard to the actual situation of the Army at this moment.

I feel now much more assured of the continued subordination of this Garrison, during the period of my absence, than if I was present.

(Signed) J. MALCOLM.

(True Copies.)

(Signed) A. FALCONER,
Chief Secretary to Government.

[No. 2. B]

PAPERS

RELATING TO

EAST INDIA AFFAIRS;

VIZ.

Copy of a Letter from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors; dated 10th September 1809:—With fundry Enclofures.

Ordered, by The Houſe of Commons, *to be printed*
25th May 1810.

[No. 2.—C.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Further ENCLOSURES in the General Letter of 10th September 1809, from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Received per Rattlesnake, 12th March 1810.
No. 12. - - - to - - - No. 20.

Ordered, by The House of Commons, *to be printed,* 25th *May* 1810.

Enclosure No. 12.

To the Honourable Sir G. H. Barlow, Bart. &c. K.B.
Governor in Council Fort St. George.

Honourable Sir,

I HAVE this day transmitted to the Commander of the Forces in Chief, an Account of the Enquiry into the Proceedings of the Officers at Masulipatam, previous to my assuming my command at that station. I now consider it my duty to report every event that occurred during my command of that Garrison. It is however essential to my own character, and to the information of Government, that I should state the peculiar circumstances under which I proceeded on this duty, as well as the impressions which existed at that moment on my mind respecting your intentions, not only regarding the garrison of Masulipatam, but the whole Army, as it is with reference to those impressions alone, that my conduct in the discharge of this delicate and important duty can be judged. Enclosure No. 12. Gen. Lett. Sec. Dep. 10 Sep. 1809.

I received a message to attend at your gardens on the 1st July, and was informed, when I arrived there, of the mutiny which had occurred at Masulipatam, and of an improper and disrespectful remonstrance which you had that day received from the Company's Officers of the subsidiary force in the Deckan. You did me the honour to ask my opinion on both subjects; and I suggested, that an Officer of rank should be immediately ordered to Masulipatam, to enquire into and report upon the proceedings of the Officers of that garrison, and that a letter should be written to the Commanding Officer of the subsidiary forces at Hydrabad and Jalnah, informing them of your having received with regret and disapprobation, a Memorial from the Officers under their command, soliciting that you should rescind the Orders of the 1st May, and pointing out in the most forcible manner the dangerous tendency of such address, and the total impossibility of complying with their request, and directing the Commanding Officers to call upon the Officers under their command, to reflect upon the serious consequences which a perseverance in such measures must produce.

After some discussion regarding the Officer it would be proper to nominate to the command of the European regiment, and the garrison of Masulipatam, I offered to proceed myself upon that service; and you accepted my offer with an apparent confidence in my success of which I could not but be proud. The emergency gave no time for the preparation of instructions, and I was immediately appointed to command the garrison of Masulipatam, and the Madras European regiment; while two respectable Officers, Lieut. Colonel W. Berkeley and Major Evans, were nominated to act with me, as members of a Military Committee, that was directed to investigate the conduct of the garrison.

I was repeatedly assured by you at the last interview with which I was honoured, that you committed the dignity and interests of Government (as far as those were implicated on this occasion) into my hands with perfect confidence, and that you gave me the fullest latitude of action, adding that I was fully acquainted with your sentiments upon the whole subject of

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

the existing discontents among the Officers of the Company's Army. I certainly was, from the confidence with which you had honoured me, fully aware of your sentiments. I know that you were most solicitous to allay the ferment that had arisen in the Army, and that you were at that moment resolved to use every means in your power to effect that object, but such as you deemed derogatory to the honour and dignity of the Government with which you were charged; you regarded, I knew, the occurrence of a rupture between the State and any part of its Army, as one of the most desperate evils that could arise, and thought every moment that such an event was delayed, was of ultimate importance, as it gave time for reflection and the action of better feelings, and it strengthened the hope that deluded men might yet return to that path of duty and good order from which they had so widely departed.

The act of my appointment to Masulipatam, of itself proclaimed these sentiments; and I was confirmed in them, from the approbation you gave to my suggestions regarding the mode of treating the Memorial you had received from the Officers of the subsidiary force, which you desired I would put into the form of a letter, and send to you; which I did through the medium of your Military Secretary, Lieutenant Colonel Barclay.

Impressed with these sentiments, I sailed for Masulipatam early on the morning of the 2d July, and arrived there on the 4th. I found the Officers of that garrison in a state of open and bold mutiny against Government, with every thing prepared to march towards Hydrabad to effect a junction with the subsidiary force at that place, by whom they had been promised complete support in the opposition they had commenced to the authority of Government. The most violent among the Officers of the garrison saw, in recognizing my authority, a complete suspension, if not a total discomfiture of these plans, and argued loudly against my being acknowledged; and it was not till after a discussion of near five hours that I was enabled to bring these deluded men to a sense of all the perils of their situation, and of the consequences that must ensue from their throwing off their allegiance to the State. They at last were subdued by the force of reason, for no other means were used, as I thought it equally my duty to avoid any promise of amnesty for the past or of *consideration* for the future: and they, after repeated and fruitless trials, desisted from all applications upon these points. A repetition of the discussions which occurred (accompanied, however, with less violence) took place next day, after which the question of disputing my authority was abandoned.

I was happy to find, by a letter from Lieutenant Colonel Barclay, under date 12th July, that the mode as well as substance of the proceedings that I adopted on my arrival at Masulipatam was honoured with your entire approbation.

I took every opportunity of mixing with Officers of the garrison, and circulated among them a variety of letters which I had written with a view of reclaiming the more violent of my brother Officers to better feelings and sentiments; and I found that my conversation and the perusal of these papers had soon a very visible effect, and that though they continued to share the general proceedings of the Army, they no longer (as they had done before my arrival) thought it incumbent upon them to take the lead in any insurrection against Government, though they were excited to that measure by the most violent letters from almost every station in the Army, and were also impelled to it by their own sense of danger from what had past, which they thought would be greatly diminished when the majority of the Officers of the Army were sharers in the general guilt. I considered that by effecting this change in the temper of the garrison of Masulipatam, one of the chief objects which you had in contemplation, when you sent me to that garrison, was accomplished. The rupture which had occurred, and which was likely to be followed by an insurrection of a great part of the Officers of the Army, had been arrested in its progress without the slightest sacrifice of the authority or compromise of the dignity of the State; and time was gained, which, under every view that could be taken of the subject, appeared of the greatest advantage to Government.

The first serious interruption to this progressive improvement of good feeling amongst the Officers of the garrison of Masulipatam, was caused by a letter from an established Committee at Hydrabad, which reached that garrison on the 18th July: This letter, which like all other papers of a similar tendency was shewn to me, reproached the Officers at Masulipatam with want of wisdom, in having admitted me to assume the command of the garrison. The Committee desired they would instantly demand from me an assurance that the Orders of the 1st May would be rescinded, and if I refused, it recommended that measures should be immediately taken to oblige me to quit Masulipatam. A paper of demands, which the Hyderabad Committee termed their *Ultimatum*, and which they said they intended to forward to Government, accompanied this letter. These papers were shewn to me by an Officer of some rank and influence, with whom I was in the habit of confidential intercourse; he told me the senior Officers of the garrison were far from approving of the sentiments of the Hyderabad Committee, but much was to be feared from the violence of the juniors. I took this occasion of exposing all the fallacy of the grounds on which they were proceeding, and of impressing, in the most forcible language I could, the dangers into which many of the Officers of the Company's Army were precipitately rushing. As the substance of the communication I made to this Officer was afterwards circulated in the form of a letter, I enclose an Extract from my Journal, in which it was immediately entered; and this Extract will shew you the nature of those arguments I used to reclaim men from their deep delusion. This communication evidently had a great effect upon the person to whom it was addressed; and he promised me he would not only communicate my sentiments to

some

ſome of the moſt reflecting among the Officers of the garriſon, and obtain through their means the rejection of the propoſals from Hyderabad; but would endeavour, in concert with them, to effect an arrangement that would exclude the younger part of the Officers from any right of deliberation on the queſtions with which the Army was agitated, which I agreed with him would be a point of the greateſt importance, and the firſt ſtep towards a final ſettlement of exiſting evils. [No. 2. C.] Enclofure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

All theſe meaſures were happily effected: An anſwer was ſent to Hyderabad, that the Officers of Maſulipatam aſſert their right of judging for themſelves, and that they could not comply with their demand regarding me; and the Garriſon Committees, which were mobbiſh meetings of the whole of the Officers, were diſſolved, and all future proceedings entruſted to a few of the ſenior Officers, who were (it was agreed) not to be influenced either by the opinion of any Officer in the garriſon nor included in their number, which was limited to eleven.

I had at this period received a report, that Lieut. Colonel Berkely was too unwell to come to Maſulipatam, and there was likely to be ſome delay in the arrival of Major Evans; I alſo found that formal examination before a regular Committee would be likely to excite an irritation, which it had been throughout my ſtudy to avoid. I therefore took advantage of the authority conveyed to me by Lieut. Col. Barclay's letter of the 12th July, to commence myſelf the inveſtigation of the conduct of the garriſon previous to my arrival.

I had always intended (provided I had obtained your permiſſion) to have proceeded with the Report of the Committee to Madras, as I was ſenſible I ſhould never be able to convey to you by letters, the whole of that important information I had obtained of the real ſtate and temper of the majority of the Officers of the Company's Army on the coaſt, who, though apparently united in one confederacy, were actuated by widely different motives, and took very different views of the nature of the ſervice in which they were engaged; and of theſe different ſhades in their ſituation and intentions, it appeared to me moſt eſſential you ſhould have the fulleſt information, as this knowledge was evidently the only baſis upon which any arrangement could be made for the ſettlement of the whole queſtion, without having recourſe to an open and declared rupture, which I ever underſtood it was your earneſt deſire to avoid till the laſt extremity. As I found the changes which had been effected without any fear of the garriſon of Maſulipatam departing from their duty during my abſence, I thought it my duty, after I had completed the inveſtigation with which I was charged, to exerciſe that diſcretion which you had given me before my departure from Madras, and proceed in perſon to report the reſult of my inveſtigation. I communicated this intention to Major General Pater, the Commander of the Diviſion, who arrived at Maſulipatam on the 20th July, and it met with his fulleſt concurrence and approbation.

I heard, before my departure, of the 2d Battalion of the 10th Regiment of Native Infantry having refuſed to march; but as that event did not appear likely to be immediately followed by any open act of contumacy or diſobedience in the Hyderabad force, and as it produced no commotion whatever in the garriſon of Maſulipatam, it was an additional excitement to the inſtant execution of the reſolution I had adopted, as I expected to have arrived at Madras (by travelling in the rapid manner I did) before any determination had been taken upon this act of mutiny and diſobedience, and to have furniſhed information that might have aided your judgment in deciding upon that important queſtion.

As I always conceived that it was the object of Government to reclaim if poſſible the minds of the Officers, I directed my whole attention during the period I was at Maſulipatam to this great object; and I therefore cautiouſly abſtained from any attempt to diſcover the ſentiments of either European or Native Soldiery: ſuch an attempt muſt have been inſtantly known, and would have inflicted an irremediable wound on the minds of the Officers, and have been certain to precipitate that criſis which it was my labour to avoid.

To evince that I have not been deceived in the expectations I formed of the change of feeling in the Officers of the garriſon of Maſulipatam, I encloſe an Extract of a Letter I have juſt received from an Officer, in whoſe correctneſs I place entire confidence. The Reſolutions to which the Committee of Maſulipatam have agreed to conſider, are ſuch no doubt as it would be impoſſible for Government to have acceded to; but they exhibit a moſt important change from former violence to comparative temper and moderation, and their agitation ſhews that theſe Officers rejected all ſhare in the demands made, in that paper which is termed their *Ultimatum*, by the Hyderabad Committee. It muſt be recollected that in caſes like the preſent, when the minds of a large body of men have been greatly diſturbed, that their return to reaſon is likely to be as gradual as their departure from it: and I can have no doubt, from what I know of the preſent temper and inclination of ſome of the ſenior Officers in the Northern Diviſion, as well as in other quarters of this Army, that had not the recent acts of the force at Hyderabad led to thoſe meaſures which Government has thought it its duty to adopt, that they would have ſeized with avidity any opportunity that the indulgent conſideration of Government for their paſt errors had afforded them, of reclaiming themſelves and others from the deep crimes into which they had plunged, and of reſtoring to its former name and glory a ſervice which the raſhneſs of ſome of its members threatened with ruin and deſtruction. —No. 2.—

It remains for me only to ſtate, and I do it with deep regret, that as far as I can judge, late occurrences have annihilated every hope of the garriſon of Maſulipatam (I ſpeak with the exception of the Artillery Company) remaining faithful to its duty; and I fear there are ſeveral corps in the Northern Diviſion, the Officers of which will be diſpoſed to follow their example.

I entreat

[No. 2. C.]
Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I entreat you to pardon the length of this letter, as well as the freedom with which I have ſtated my ſentiments. I can have no deſire but to ſhew that I have not been falſe to that confidence by which I was honoured, and that I have laboured with zeal, and not without ſucceſs (at leaſt as far as the ſervice was concerned) to promote the public intereſt.

I have the honour to be,
Honourable Sir,
Your moſt obedient Servant,
(Signed) JOHN MALCOLM,
Lieut. Col. Commanding.

Madras, 1ſt Auguſt 1809.

Extract from Lieutenant Colonel Malcolm's Journal; containing ſubſtance of a Communication made by him to an Officer of rank and influence at Maſulipatam, on the Morning of the 18th July 1809.

I pointed out to this Officer what muſt be the conſequence of the whole or any part of the Company's Army plunging down that precipice, on the brink of which they were now ſtanding. I expoſed the falſeneſs of that confidence on which numbers were proceeding; how they would be deſerted by their brethren, and their men, when Government was compelled to declare them in rebellion. I pointed out how wretched their means, how unconnected their plans; and demanded, if even they had double the numbers, if he thought, after the chain of diſcipline was once broke, and when they were commanded by committees, and every body thought he poſſeſſed the right to queſtion the authority of his ſuperior, whether it was poſſible to oppoſe the organized army, that muſt, under all circumſtances, remain with Government, and which muſt every day gain ſtrength from their ranks. The whole of the King's Army was, I ſaid, decidedly with Government; and if the laſt ſtep was taken, many of the Company's Officers, and thoſe who had the moſt influence with the native troops (becauſe they were the oldeſt officers) would range on the ſide of Government. I knew this, I ſaid, to be the fact, becauſe I had letters fully expreſſive of their ſentiments, from ſome of the beſt and moſt popular Officers in the Army. I was myſelf, I ſaid, of that opinion, and proud to ſtate it. I had been in this Army ſince I was twelve years of age; and ſuch was my regard for my brother Officers, that I would give my life to ſee the preſent unfortunate diſputes happily adjuſted; but if any circumſtances whatever led their Officers to riſe in rebellion againſt their King and Country, and ſuch they would do the moment they threw off allegiance to the legal conſtituted authority in India, I muſt ſtand in the oppoſite rank; and I was convinced ſo many would be found of the ſame ſentiments, that Government muſt triumph, though I allowed ſuch a triumph would be one over its own ſtrength, and conſequently more mournful than the moſt ſignal defeat from a foreign enemy. I added, that I would, for the ſake of argument, ſuppoſe what I conceived impoſſible, that Government was deſtroyed in the conflict. What would be the conſequence of this victory to a few Officers, who had led the natives of India for the murder of their countrymen, and to the deſtruction of the Britiſh Government? Would theſe natives allow them to live and rule over them? or would they not be tempted to practiſe for the laſt time the leſſon they had been taught, and get rid at once of a race whoſe rule they had been taught to conſider as oppreſſive and tyrannical? Suppoſing they did not, would the King and the people of England be ready to make peace with men, whoſe hands were red with the blood of their countrymen? would they not rather, if they did not abandon this quarter of India altogether, attempt its re-conqueſt; and to what conſequence would that lead? You ſay, I added, that your grievances are intolerable, and that if you abandon your attempt to obtain redreſs, the Coaſt Army will be diſgraced; while, if you perſiſt with firmneſs and ſpirit, Government, which muſt be aware of all the conſequences I have ſtated, muſt give way. To this I anſwer, no grievances of the deſcription this Army now has, can warrant its having recourſe to arms, becauſe they are ſuch as muſt come under the cognizance of the controlling and legiſlative authorities in England, who are alone competent to notice and redreſs them; and this Army, ſo far from being degraded by a moderate proceeding at a moment like the preſent, would raiſe its reputation higher than ever, becauſe it would prove to all the world that it poſſeſſed a ſpirit of the higheſt loyalty and patriotiſm; and that when a variety of circumſtances had combined to throw it into a flame, the action of theſe feelings had ſubdued every other, and it was contented rather to ſuffer till the ſuperior authorities in England could judge all thoſe queſtions in which it thought itſelf aggrieved, than endanger the general intereſts of the country. Would ſuch ſentiments, I aſk, redound to the diſgrace or to the honour of this Army? With reſpect, I obſerved, to the probability of Government giving way if aſſailed with unanimity, firmneſs, and ſpirit, this was, I feared, a great and dangerous error; Government could not give way, as it was termed, beyond a certain point, without deſtroying itſelf, and it had better fall by any hands than its own. It is the very preſſure, I added, that is brought againſt it, that forces it to reſiſtance; and beſides, what are the points which it is required to yield? In the preſent agitated ſtate of the Army, every committee, every individual, has a different opinion; and if it were poſſible to collect the general ſenſe of the Army, I believe, in their preſent irritated ſtate, conceſſions would be required that would amount to the virtual abolition of the exiſting local government of this Preſidency. It is no doubt, I obſerved, the duty of Government to take every ſtep that it can take, to reſtore

temper,

temper, and to compoſe men's minds; but I, for one, will never blame it, for refuſing its conſent to its own death, and ſuch I ſhould conſider any act that made a ſubſtantial ſacrifice of its ſtrength or authority. And as to that *Ultimatum*, I concluded, pointing to a Paper which had come from Hydrabad and was upon the table, I declare to God, I would not ſerve a Government one hour that could yield to ſuch degrading demands.

[No. 2. C.]

Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

A true Extract,

(Signed) JOHN MALCOLM,
Lieut. Colonel Commanding.

Extract of a Letter from an Officer at Maſulipatam, dated 23d July.

It having been reſolved that the Committee ſhould take into conſideration this day the ſteps neceſſary to be taken in conſequence of the communication reſpecting the 2d 10th, the following Queſtions were ſuggeſted for its declaration to other Committees:

If Government expreſſes a diſpoſition to reconciliation, and declares its readineſs to redreſs our paſt grievances, will you be ſatisfied with its offering to intercede with the Court of Directors to procure the reſtoration of the ſuſpended Officers, and conſenting, upon condition of our immediate return to order and regularity, to reſtore thoſe who have only been deprived of Staff appointments and commands?

If Government ſhould confine itſelf to general declarations of its wiſh to conciliate, and to general expreſſions of inclination to redreſs our paſt grievances, without making any particular ſpecification, will you conſent to accept this as a preliminary to reconciliation; and as Agents cannot be appointed to arrange terms of permanent reconciliation, will you agree to ſuſpend all further meaſures for a certain time, to give Government a fair opportunity of fulfilling its preliminary declarations?—Theſe two queſtions, and the queſtion of circulating them for the deliberation of other Committees, have been favourably received, and are to be determined to-morrow morning. The only diſagreeable occurrence of the day is, that ſome of the factious, who are ſore at being excluded from the deliberation upon the preſent critical occaſion, have circulated a report, that the new Committee has been formed at your deſire, and to anſwer your purpoſes; but I am ſatisfied, that an attack ſo eaſy to be repelled, will have no influence upon the deliberations of the Committee, whilſt the act of agreeing to take it into conſideration, proves that this Committee does not conceive itſelf pledged to ſupport the *Ultimatum* you ſaw.

A true copy,

(Signed) JOHN MALCOLM,
Lieut. Col. Commanding.

To Major General Gowdie, Commander in Chief of the Forces.

Sir,

I HAVE before informed you, that in conſequence of inſtructions I received from the Honourable the Governor, through the medium of Lieut. Colonel Barclay, Military Secretary, I proceeded (without waiting the aſſembling of the Committee that was ordered) to make an enquiry into the conduct of the Garriſon of Maſulipatam. I conſidered that the beſt form in which I could make the enquiry was to collect from Lieut. Colonel Innis every information he could give, and to obtain ſuch evidence from the Officers of the garriſon as appeared neceſſary to eſtabliſh the leading facts of the tranſactions it was my object to inveſtigate. I judged, that a minute and formal perſonal examination of the parties was equally unneceſſary to the object of the preliminary enquiry with which I was charged, and unſuited to the temper of the times or to the fulfilment of thoſe objects which I conceived the Honourable the Governor to have had in view at the time I was appointed to the command of the Garriſon of Maſulipatam.

The Officers of the garriſon whom I called upon for information, were of courſe cautious in committing to writing, or indeed in verbally ſtating, any thing that might criminate themſelves; and I was induced by many reaſons to avoid any examination of the men of the European Regiment or Native Battalion; ſuch evidence was not neceſſary to the eſtabliſhment of the principal facts, and it could not have been obtained without a complete ſacrifice of that temper which it was my object to maintain, until the Government was in poſſeſſion of the general reſult of my inquiry, and of that important information regarding the ſtate of not only Maſulipatam but of other ſtations in the Army, which my employment upon this duty had enabled me to collect.

I encloſe a Statement given in by Lieut. Colonel Innis, with an Appendix, and two private Notes in reply to Queries I put to him ſubſequent to his delivering in his firſt Statement. I alſo encloſe a Paper, which contains the ſubſtance of the information given me by Captain Andrews, of the European Regiment, and Captain Kelly, of the 1ſt Battalion 19th Regiment of N. I. and which was corroborated by ſeveral of the Officers of the garriſon. I tranſmit a paper from Lieut. Nixon, the Adjutant, whom I examined relating to the different cauſes which had led to agitate the minds of the men of the European Regiment, and to make them as well as their Officers forget their duty.

Nos 1. & 2. 3. 4. & 5.

No 6.

You are in poſſeſſion of Major Storey's letter, ſtating the nature of the ſituation in which he was placed, and the ſteps which he adopted. In addition to that document, I encloſe the ſubſtance of a verbal declaration which Major Storey made to me upon this ſubject, and which ſhews the leading conſiderations which he ſtates to have governed his conduct upon this occaſion.

[No. 2. C.]
Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Theſe Enclosures will throw complete light upon the conduct of both Lieut. Col. Innis, and the Officers of the garriſon of Maſulipatam; and I ſhall, in the courſe of the few obſervations which I feel it my duty to offer upon their contents, ſtate ſuch additional facts as came to my knowledge from verbal communications upon this ſubject.

It is not poſſible to contemplate the conduct of the Officers of Maſulipatam throughout the different ſtages of this tranſaction, without conſtant reference to the general diſcontent and diſaffection to Government, which at the moment of their proceedings prevailed in the minds of a large proportion of the Officers of the Company's Army on this Eſtabliſhment, and which muſt be conſidered as one of the chief, if not the ſole cauſe of their exceſſes.

Lieut. Col. Innis appears from his ſtatement to have joined the corps he was appointed to command, with an impreſſion that the Officers of it were diſaffected to Government, and with a reſolution to correct ſuch improper principles, in whatever place or ſhape he met them.

He landed at Maſulipatam on the 7th May, and was invited on the ſame day to dine at the meſs of the regiment; and it was after dinner, on this firſt day of their intercourſe, that the groundwork was laid of all their future diſpatches. The only ſubſtantial fact adduced by Lieut. Col. Innis on this occaſion, and admitted by the other parties, was, that "The friends of the Army," was given as a toaſt at this meeting by Lieut. D. Forbes, and ſeconded by Lieutenant Maitland, Quarter Maſter of the corps. This toaſt Lieut. Col. Innis requeſted might be changed for "The Madras Army;" but his propoſition was not acceded to, and he in conſequence left the table. This appears to be the only proved fact. Several obſervations are ſtated by Lieut. Colonel Innis to have been made by Officers at the table, that were diſreſpectful to Government, and contrary to the principles of ſubordination and good order; but the only one of theſe obſervations that he ſpecifies, is aſcribed to Lieutenant Maitland, in a letter to that Gentleman, which forms a Number of the Appendix. In that letter, Lieutenant Colonel Innis, after regretting that Lieutenants Maitland and Forbes had not made the apology he required of them for their conduct on the evening of the 7th of May, adds, "I will forward any explanation you may ſtate to me with "reſpect to the *obſervations you made* at the meſs on the 7th inſtant ſo *publicly* with reſpect "to the *Nizam's* Detachment and Officers, who are not friends of the Army." Lieutenant Maitland in his reply to this letter, ſtates his wiſh that Government will not decide upon Lieut. Colonel Innis's report, until he has an opportunity of defending himſelf; and further obſerves, "until I received your letter this day, I never knew for what words or actions of "mine an apology was required; for I moſt ſolemnly deny ever having given my opinion in "any manner regarding the Nizam's Detachment and its Officers that night, or at any other "time in your preſence."

When Lieut. Col. Innis left the meſs-room, which he did, as has been before ſtated, in conſequence of their refuſing to change the toaſt to "the Madras Army," as he had propoſed, it appears the Officers proceeded to drink their original toaſt in the manner they were accuſtomed to drink it, with three cheers; and theſe it is not unlikely may have been miſtaken by Lieut. Col. Innis for further marks of diſreſpect to him, and conſequently to the authority by which he was appointed; but the Officers of the regiment who were preſent at table, deny the exiſtence or expreſſion of any ſuch ſentiments.

Theſe different ſtatements cannot be deemed ſurpriſing, when the nature of this meeting is conſidered. The parties could indeed hardly have been perſonally known to each other; and although no doubt can be entertained of the goodneſs of Lieut. Col. Innis's motives, and the character of his laudable zeal for the Government he ſerved, it is perhaps to be regretted that his firſt efforts to correct the principles of the Officers of his corps ſhould have been made at a convivial ſcene, where it was to be ſuppoſed men would be leſs under reſtraint than in any other ſituation, and therefore leſs diſpoſed to attend to either the voice of counſel or authority. But Lieut. Col. Innis, from his ſtatement, appears ſenſible of this fact: He obſerves, after recapitulating the motives that led him to report privately the conduct of the Officers of the regiment at the dinner on the 7th of May to a confidential Staff Officer, from whom he received what he terms 'his original inſtructions,' "I at the "ſame time particularly requeſted that no *public notice* might be taken of what I found it "expedient to ſtate, unleſs I ſhould be compelled ſubſequently to bring the buſineſs reluc-"tantly forward officially, having intimated that I expected an apology to be tendered to "me by Lieutenants D. Forbes and Maitland, for their improper conduct on that evening, "when the General Order of the 1ſt May laſt was commented upon at the meſs-room of "the Madras European Regiment."

That ſuch was the impreſſion upon Col. Innis's mind, is confirmed by a Note from Lieut. Nixon, the Adjutant of the regiment, in which he aſſerts, that he made no official report of the occurrence. It appears however, that, contrary to Lieut. Col. Innis's expreſſed expectation, you conſidered it your duty to notice the private communication he had made of the occurrences of the evening of the 7th of May; and the Letter which the Adjutant General wrote to Lieut. Col. Innis upon that ſubject, under date the 17th May, was immediately put into the regimental Orderly Book of the corps. It would be ſuperfluous for me to dwell upon the irritation which the meaſures that were adopted upon this occaſion, and the mode of carrying them into execution, excited in the minds of the Officers of the regiment. The nature and extent of that irritation are ſufficiently explained in the accompanying documents. Its grounds were, the ſuppoſed incorrectneſs of Lieut. Col. Innis's private communication to head-quarters; the neglect with which the repreſentations of the Officers of the regiment upon this ſubject were treated; the hardſhip of a reſpectable Staff Officer being

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being disgraced by a removal from his station, without knowing of what he was accused, or being permitted to say a word in his defence; and the unusual and extraordinary measure of detaching (as a punishment) an Officer of the regiment to the command of a Post where there was not one man of his corps, and the refusal of a Court Martial to the Officer on whom this unprecedented mark of disgrace had been inflicted.

In addition to these subjects of complaint, the Officers seem to have considered the publication of the letter from Lieut. Col. Conway in the Orderly Book as an unnecessary promulgation of the displeasure and censure they had incurred among the men of the regiments; and Lieut. Col. Innis would appear to have been sensible some time afterwards that this was the fact, as he desired the letter to be expunged from the Orderly Book.

You will observe, from the documents enclosed, all that took place connected with the appointment of Lieut. Spankie; regarding which an impression was received by the Officers of the regiment, from a communication made by Lieut. Col. Innis, on the ground of a private letter (which he stated to them he had received from you) that it was in contemplation to disband the regiment, and place the Officers on half-pay, if they did not alter their conduct; but that the fate of the corps would in a great degree be determined by the step which Lieut. Spankie might take, that is, by his refusal or acceptance of the station of Quartermaster. This idea, which I cannot think it was ever the intention of your Letter to convey, was directly intimated by Lieut. Col. Innis, in the following private Note to Lieut. Spankie:

"I believe that I forgot to remark, that your situation and Lieut. Fenwick's are very dif"
"ferent now under existing circumstances; it was equally proper for him to decline accept"
"ing of the Quartermastership, as it is absolutely proper and necessary that you should
"accede to the General's wishes, to save a whole regiment.—Think of this. Your's truly,
"(Signed) *J. Innis.*"

This proceeding could not but greatly increase the irritation that before existed. It gave too much ground for the propagation of a belief, that the general punishment of the whole might depend upon the conduct of an individual (a young Officer in the corps) on a question of a particular and personal nature; and it was not possible for an impression to have been made more calculated to encrease the irritation and spirit of discontent which before prevailed in the regiment.

I shall now proceed to a concise view of the circumstances which relate to the order for the embarkation of a detachment of the Madras European Regiment, for Marines, and of the occurrences which took place on the 25th June, regarding which, however, the documents already in your possession are so ample as to require little further to complete your information upon the subject.

When Lieut. Forbes was directed to proceed to Penang, and a party of Marines under Lieut. Maitland to be in readiness to embark on board the Fox frigate, no idea appears to have been entertained of opposition to those orders, though the Officers of the corps felt that Lieut. Forbes and Maitland's being particularly ordered on these duties could only be as a punishment; and to avoid the stigma which they conceived this proceeding would bring upon the corps, they solicited Lieut. Col. Innis to allow other Officers to exchange with Lieut. Maitland and Lieut. Forbes, and at the same time assured him, there was not an Officer in the regiment that was not ready to take their turns of duty. This application, which proves the Officers had no intention at that period of resisting the orders of Government, was refused by Lieut. Col. Innis, for reasons stated in his Note to me of the 22d July, which forms a Number of the Appendix.

Before the orders were received at Masulipatam for an increased number of Marines embarking on board His Majesty's ships Piedmontaise and Samarang, the minds of the Officers of that garrison had been much inflamed by communications they had received from the different stations of the Army. These expressed (agreeable to the statement of Captain Andrews and Captain Kelly) a general opinion of the illegality of the orders regarding Lieut. Forbes and Lieut. Maitland, and of the unjust manner in which the Madras European Regiment had been treated. It was also reported, from a variety of quarters, that the regiment was to be dispersed and disbanded; and these reports obtained, from the nature of preceding occurrences, a very ready belief both among the Officers and men of the corps.

There can, however, be no doubt that the Garrison at Masulipatam, as well as other stations with which they communicated, contemplated the detachment of so large a party as that ordered from the European Regiment as a serious diminution of their strength, and consequently injurious to the interests of the confederacy against Government in which they were so deeply engaged, and that this consideration in some degree influenced them to that criminal course which they pursued; but I do not believe that this motive unaided by others would have led them at that moment to so bold and daring an opposition to orders.

The account given by Lieut. Colonel Innis of the proceedings of the 25th June is, I am satisfied, perfectly correct. It is impossible for me to afford any further information than what you will derive from that document, Major Storey's official Letter, and the substance of that Officer's verbal declaration to me (which forms a Number of the Appendix.) I can only add my conviction of two facts: 1st, that Lieut. Colonel Innis had it not in his power to coerce the obedience of the garrison, in the state it was in; and, 2dly, that had bloodshed taken place, it would (as Major Storey states in his verbal declaration) have been the signal

for

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for the Company's Officers at many other ſtations throwing off their allegiance to Government.

The accompanying Depoſition of Lieutenant and Adjutant Nixon is entitled to ſome attention. There is no doubt of the general facts which that Officer has ſtated; they are, indeed, proved by the conduct of the men of the European Regiment, who gave a ready ſupport to their Officers in an act which they muſt have known was meritorious, which it is not likely they would have done if they had not received unfavourable impreſſions of the intentions of Government. Theſe impreſſions were, however, the only prediſpoſing cauſes; the immediate impulſe under which the deluded men of the regiment acted, was a wiſh to ſupport Officers who had been long with them, and a feeling of reſentment at threatened coercion; and under the action of this impulſe, they would no doubt have oppoſed any troops that had been brought againſt them.

Though nothing can juſtify mutiny, it is impoſſible, when we conſider that the Non-commiſſioned and Men of the Madras European Regiment acted on this occaſion at the call of almoſt all their regimental Officers, not to acquit them in a very great degree of that ſhare of criminality which muſt attach to all the individuals implicated in ſuch proceedings. I am ſatisfied of the truth of which Lieut. Nixon ſtates, regarding the diſcontent that exiſts among the men of the corps who have enliſted for an unlimited period of ſervice. Theſe men gave me a Petition upon this ſubject, and prayed I would bring it to your notice. I communicated this Petition to Major General Pater, as I thought it implied, from the terms in which it was expreſſed, that they were aware of their ſituation, and were diſpoſed to maintain their obedience to Government. It was at all events clearly to be inferred from the mode and ſubſtance of this repreſentation, that thoſe by whom it was made, were ſenſible of the nature of the times, and thought them favourable for the accompliſhment of their object. It is impoſſible for me to ſtate what Officers have been moſt culpable in their irregular and unmilitary proceedings, into which I have been directed to enquire; but, with the exception of thoſe ſtated in Lieut. Colonel Innis's letter (who had in fact no means of being uſeful) I believe that all the Officers preſent with the Madras European Regiment, and the 1ſt Battalion of the 19th Regiment, were implicated in the general guilt. Thoſe that took the moſt forward part are ſtated in Lieut. Colonel Innis's letters. The Company of Artillery ſtationed out of the Fort had no concern whatever in theſe tranſactions, and has remained throughout perfectly faithful to its duty and to Government. I need hardly ſtate that the native Officers and Men of the garriſon of Maſulipatam had no concern in this Mutiny. They fell in on their parade on the day of the 25th June, becauſe a number of the Officers of the corps called upon them to do ſo.

It is a juſtice I owe to Major Storey and to Captain Andrews, ſenior Officers of the European Regiments, to ſtate, that from the 25th June until the 4th July, the day on which I took the command, the utmoſt ſubordination and good order had been obſerved by the troops, and the duty of the garriſon had been carried on with as great regularity and order as if nothing had occurred to diſturb the uſual routine of military diſcipline.

I feel it would be preſumption in me to offer my opinion on the ſubject of my enquiry, and I have therefore confined myſelf to the object of laying before you in as clear and conciſe a manner as I could, the leading and principal facts of thoſe proceedings which I was directed to inveſtigate.

I have the honour to be, &c. &c.
(Signed) JOHN MALCOLM,
L^t Col. Com.

Madras,
1ſt Auguſt 1809.

No.

Lieut. Colonel J. Malcolm.

Sir,

Previous to my being appointed to command the Madras European Regiment, I was informed that the Officers of that corps had given ſome very improper toaſts on the day that Captain J. Marſhall had dined at their meſs here, which fully expreſſed their political principles, and how highly they diſapproved of the previous meaſures of Government, adopted after Lieut. General Macdowall's leaving Madras for Europe, whoſe cauſe and party they ſupported.

2. Impreſſed with the recollection of this circumſtance when I went to dine at the meſs of the Madras European Regiment, the day I landed here to aſſume the command, I determined neither to permit or to paſs over unnoticed any ſuch ſcene as was reported to have occurred on the day above alluded to, ſo extremely improper and ſubverſive of that high reſpect which is due to Government from every Officer of the Army of Fort St. George.

3. What actually did take place on the evening of the 7th of May laſt, and which rendered it not only proper but abſolutely requiſite for me to quit the meſs-room at an early hour, I deemed it my indiſpenſable duty next day to communicate in a private manner to a confidential Staff Officer, from whom I received my original inſtructions, in order to ſhew the Officer commanding the Army in Chief, and the honourable the Governor of Fort St. George, the violent ſpirit of diſcontent, undiſguiſed diſapprobation, and determined oppoſition to the meaſures of Government, which even then exiſted among the Officers of that corps, and which was previouily well known at Head-quarters.

4. I at the ſame time particularly requeſted that no public notice might be taken of what I found it expedient to ſtate, unleſs I ſhould be compelled ſubſequently to bring the

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buſineſs reluctantly forward officially, having intimated that I expected an apology to be rendered to me by Lieuts. D. Forbes and Maitland for their improper conduct on that evening, when the G. O. of the 1ſt of May laſt were commented upon at the meſs-room of the Madras European Regiment.

5. The next morning I went to breakfaſt with Capt. Andrews (who had dined at the meſs the previous evening) and requeſted of him to acquaint the Officers compoſing the meſs, that I was under the neceſſity of declining to become a member of their ſociety, as I had propoſed, owing to exiſting circumſtances that did not accord with my ideas or ſentiments of ſubordination, which it was my imperious duty to maintain.

6. Contrary however to my expectation, the information I had originally given was acted upon, being conſidered of ſuch a tendency that it could not be paſſed over (as I had requeſted) and which ultimately led to the publication of the Orders of the Officer commanding the Army in Chief, reprimanding the Officers of the Madras European Regiment, removing Lieut. Maitland from the Quartermaſterſhip, and ordering Lieut. D. Forbes to command at Candapilla, as alſo the appointment of Lieut. Maitland to command a detail of the corps ordered to ſerve as Marines, and Lieut. D. Forbes to command a detail of the corps at Prince of Wales Iſland. Thoſe meaſures were no doubt adopted with a view of checking any future ſymptons of inſubordination amongſt the Officers of the Madras European Regiment; ſo far however from being attended with the deſired effect, they only tended to increaſe the former ſtate of irritation, and their determination on reſiſtance to the orders of the Officer commanding the Army in Chief, and Government, when their arrangements were fully organized and ready to be carried into execution, by the diſaffected; as has ſince been fully confirmed by their late and daring mutiny.

7. When I tranſmitted Lieutenant D. Forbes's application to head-quarters for a General Court Martial, it was accompanied by my official Letter and Report of the circumſtances which occurred on the evening of the 24th May laſt at the meſs-room of the Madras European Regiment, and which is now ſubjoined for your information; as alſo the Correſpondence which ſubſequently paſſed between me and the Officers of the Madras European Regiment upon this intereſting ſubject now under conſideration, which I feel it my duty to forward to head-quarters for the conſideration of the Commander in Chief, for the reaſons aſſigned in my two Notes addreſſed to Lieutenant and Adjutant Nixon. It only therefore remains for me to add, that what I honeſtly, candidly, and conſcientiouſly ſtated to have taken place at the meſs of the Madras European Regiment, on the evening of the 7th May laſt, was the ſubſtance of what actually paſſed, and to the beſt of my recollection in nearly the ſame words, or words to the ſame effect, as I moſt ſolemnly declare upon my *honour*, and am ready to confirm upon oath.

Maſulipatam, 19th July 1809. } (Signed) Js INNES, Lt Col.

Previous to entering upon the documents alluded to, I will call your attention to the two following paragraphs of the Governor General's Letter, addreſſed to Sir George Hilaro Barlow, Bart. K. B. Governor of Fort St. George, dated 27th May 1809; by which you will obſerve I was not only *ſanctioned*, but *expected* to give every information to the Commander in Chief and Government, from my official ſituation, which would tend to check diſaffection in this diviſion; and to promote the public ſervice either by my own example and exertions, or by applying to a higher authority to ſuppreſs it.

Par. 89. "We concur alſo entirely in the ſentiments expreſſed in your General Orders "of the 1ſt ultimo, that it is not ſufficient for Officers holding commands to avoid a parti- "cipation in ſuch proceedings; but that it is their poſitive and indiſpenſable duty to adopt "the moſt decided meaſures for their ſuppreſſion, and to report them to the ſuperior "authorities. The purpoſes of tumult and ſedition may as effectually be promoted by "their negative concurrence as by their active participation."

90. "The neglect of duty is an offence varying only in degree from a poſitive violation "of it; and any Officer, who, apprized of the progreſs of diſorderly proceedings among "thoſe who are placed under his immediate control, abſtains from any attempt to ſuppreſs "them, either by the exertion of his own authority, or by an appeal to the ſuperior power, "gives to thoſe proceedings one mode of encouragement, and cannot ſtand abſolved of "blame, nor found a claim to immunity, much leſs to a continuance of that implicit con- "fidence which is attached to ſtations of authority, on the baſis of ſo culpable and miſ- "chievous a neutrality."

A true copy,

(Signed) Js INNES, Lt Col.

To the Adjutant General of the Army, Fort St. George.

Sir,

I Have the honour herewith to tranſmit to you an official Note received laſt night from Lieutenant David Forbes, of the Madras European Regiment, with one to your addreſs, both of which I requeſt may be ſubmitted to the Commander in Chief.

If Lieutenant Forbes's application is complied with, every young Officer under my command will ſoon be making ſimilar applications to head-quarters.

The groſs and public diſreſpect ſhewn by Lieutenants D. Forbes and Maitland of the Madras European Regiment, at the regimental meſs of that corps, on the night of the 7th inſtant,

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

inſtant, ſo derogatory to the dignity of the Honourable the Governor in Council and Commander in Chief, from the obſervations made by theſe Officers on the Government Orders and thoſe of the Commander in Chief then received, dated 1ſt May, as alſo on the ſteady conduct of the Native troops at Hyderabad, which was inſtantly noticed by me, calling upon Lieutenant D. Forbes to change the *toaſt* he propoſed, from the *Friends of the Army*, to that of the *Madras Army*, which was pointedly rejected, and the former one repeated with three times three—their obliging me to quit the meſs-room,—and for which improper conduct Lieutenants Forbes and Maitland ſubſequently declined to make any apology: I therefore feel it NOW my duty to report the circumſtances officially for the information of the Honourable the Governor in Council and Commander in Chief.

Maſulipatam, 24th May 1809. (Signed) J. INNES, L^t Col. Com^g.

To the Officer commanding the Northern Diviſion of the Army.

Sir,

The Officer commanding the Army requeſts you will nominate Lieut. Maitland, of the Madras European Regiment, to the command of the detachment of that corps ordered to ſerve as Marines on board His Majeſty's ſhip the Fox; and that you will direct Lieut. David Forbes, of the Madras European Regiment, to proceed forthwith to the Preſidency, for the purpoſe of embarking for Prince of Wales Iſland, to take charge of the corps doing duty there.

Adjutant General's Office, 27th May 1809. (Signed) T. H. S. CONWAY, Adj^t Gen^l.

To the Officer commanding Northern Diviſion of the Army.

Sir,

In reply to Lieut. Col. Innes's letter of the 24th inſt. I have the honour to inform you, that Lieut. David Forbes's letter, applying to be tried by a General Court Martial, has been ſubmitted to the Officer commanding the Army, who deems that Officer's requeſt inadmiſſible.

Adjutant General's Office, 31ſt May 1809. (Signed) H^y BALMAIN, A. A. Gen^l.

To the Adjutant General of the Army, Fort St. George.

Sir,

I Have the honour to forward to you an Addreſs from the Officers of my corps, which they wiſh to be ſubmitted to the Commander in Chief.

To elucidate the ſubject, I now tranſmit copy of my Note written to the Officers of my corps the moment I got their letter yeſterday.

And when I receive the document called for, it ſhall be handed to you directly, with every comment I deem requiſite to make on it. They go herewith.

Maſulipatam, 28th May 1809. JAMES INNES, Lieut. Col. M. E. Reg^t in charge N. D. of the Army.

THE Officers whoſe names are affixed to the encloſed Letter, requeſt Lieutenant and Adjutant Nixon to ſend it to Lieutenant Colonel Innes, commanding the Madras European Regiment, and to requeſt him to forward it to the Adjutant General of the Army with as little delay as poſſible.

Fort Maſulipatam, May 27, 1809.

To the Adjutant General of the Army, Fort St. George.

Sir,

It was with extreme concern that in our Regimental Orders of the 22d inſtant we found a copy of a letter from you, by which we were informed, that it had come to the knowledge of the Officer commanding the Army, that conduct highly indecorous and contrary to every principle of military ſubordination had been obſerved at the meſs of the Madras European Regiment on the 7th inſtant.

We beg leave to aſſure you, for the information of Major General Gowdie, that it appears to us, the account he has received of the conduct of thoſe Officers who were preſent at the meſs on that evening muſt have been erroneous. We cannot help lamenting that ſuch a ſtigma on the character of ſo numerous a body of Officers as we form ſhould have been thus publicly ſent out, before we have been furniſhed with a copy of the report that has been made againſt us.

We have ſeen with the deepeſt regret two of our brother Officers puniſhed, without being ſpecifically informed what part of their conduct at the regimental meſs induced the Officer commanding the Army to ſuppoſe them to have been guilty of the ſerious crime with which they are charged; and we naturally feel conſiderable apprehenſion leſt the whole corps ſhould in a ſimilar manner be involved in the ſevereſt penalty to which inſubordinate proceedings are liable.

We

[No. 2. C.]
Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

We truſt, therefore, that you will ſtate to Major General Gowdie our confident hope that he will have the goodneſs to direct us to be furniſhed with a copy of the information that has been received, regarding the conduct obſerved at the meſs on the night of the 7th inſtant.

When we receive this, we have no doubt of being able to convince the Officer commanding the Army in Chief that the conduct of thoſe who were preſent on that occaſion did by no means merit the ſevere cenſure with which it has been marked.

(Signed) A. Andrew, Capt. M. E. Regt.—O. Lanleſs, for Lieut. D. Forbes, D°.—J. S. Spankie, Lieut. D°.—G. G. Maitland, for J. Gibſon, Lieut. D°.—G. G. Maitland, Lieut. D°.—W. C. Carberry, Lieut. D°.—Charles Forbes, Lieut. D°.—G. J. Nixon, Lieut. D°.—J. S. Spankie, D° - D°.—L. Chapman, D° - D°.—B. Hooper, D° - D°.—W. Davernaul, D° - D°.—G. Roy, Enſign M. E. Regt.—D. Maxwell, D° - D°.—M. Clarke, D° - D°.—James Stewart, Lieut. D°.—H. Kyd, D° - D°.—W. Hamorni, D° - D°.—W. Fenwick, D° - D°.—P. Brown, Enſign M. E. Regt.—Richard Williams, D° - D°.—H. Yarde, Capt. D°.—W. J. Daker, Enſign D°.—B. Baker D° - D°.—J. A. Kelly, Lieut. D°.

Maſulipatam, May 25, 1809.

To Lieutenant Nixon, Adjutant of the Madras European Regiment, Maſulipatam.

Sir,

I have the honour to acknowledge the receipt of an Addreſs from the Officers of the Madras European Regiment to the Adjutant General of the Army, which ſhall be forwarded to be ſubmitted to the Officer commanding the Army in Chief. I have therefore to direct that a ſtatement of the circumſtances which paſſed on the 7th inſtant in the meſs-room of the Madras European Regiment, may be made out by the Gentlemen of that corps now preſent, who dined at the meſs-room on that day which obliged me to quit the meſs-room of the corps. No apology was ever ſubſequently made to me, although required and expected from Lieutenants D. Forbes and Maitland (as it was their duty to do) for the pointed diſreſpect ſhewn by them to the dignity of the Honourable the Governor in Council and Commander in Chief, in my preſence, their immediate Commanding Officer.

Maſulipatam, 27th May 1809.

Signed) JAMES INNES,
L^t Col. Com^d M. E. Reg^t
in charge of the N. D. of the Army.

THE Officers whoſe ſignatures are affixed to the encloſed Letter, requeſt you will forward the ſame to Lieut. Colonel Innes, commanding the Madras European Regiment, and in charge of the Northern Diviſion of the Army."

To Lieut. Colonel Innes, commanding the Madras European Regiment, and in charge Northern Diviſion of the Army.

Sir,

Agreeably to your orders communicated to us by Lieutenant and Adjutant Nixon, we have the honour to ſtate that we were preſent at the regimental meſs on the evening of the 7th inſtant, and that it was with conſiderable aſtoniſhment that we obſerved you leave the meſs ſo abruptly.

We are unable to ſay what was the occaſion of your doing ſo. "The friends of the Army" was propoſed as a toaſt, and we conceive it to be one that could not be objected to; but as you wiſhed to alter it, and roſe from table when it was about to be drank, we conjectured it had given offence, and that it was on this account you left the meſs.

So far from obſerving any pointed diſreſpect, we did not notice any diſreſpect whatever "ſhewn" by Lieutenant D. Forbes or Lieutenant Maitland, to the dignity of the Honourable the Governor in Council and Commander in Chief, in your preſence; and until we ſee the account you have forwarded on the ſubject to head-quarters, we ſhall be at a loſs to ſuppoſe what part of their conduct, on the night alluded to, appears to you to be exceptionable.

(Signed) A. Andrews, Capt.—G. Maitland, Lieut.—W. Carberry, Lieut.—J. S. Spankie, Lieut.—J. Stewart, Lieut.—W. Kyd, Lieut.—P. Brown, Lieut.

To Lieutenant Nixon, Adjutant Madras European Regiment, Maſulipatam.

Sir,

I have the honour to acknowledge the receipt of your Note of this day's date, with the ſtatement I thought proper to order to be made out in my Note of laſt night to you, for the information of the Officer commanding the Army in Chief. I ſhall now merely confine myſelf to remarking to the Officers whoſe names appear to the letter now received, that had they not made obſervations on the late General Orders of the Honourable the Governor in Council and Commander in Chief, and remarks on the ſteady conduct of the Officers of the Subſidiary force at Hydrabad, as alſo on certain Officers "in the Army," who are not. The friends of the Army was propoſed as a toaſt, which I requeſted might be changed to the

Madras,

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Madras, and when not acceded to, I felt myself called upon to quit the mess-room. Very fortunately there were many strangers present at dinner, as well as myself, whose recollection of what passed on that day may be able to elucidate this subject, should the Honourable the Governor in Council and Commander in Chief deem it requisite to call upon them for this purpose.

(Signed) JAMES INNES,
Lieut. Col^{l} Comm^{g} M. E. Reg^{t},
and in charge of N. D. of the Army.

Masulipatam, 28th May 1809.

To the Officer commanding the Northern Division of the Army.

Sir,

I Have had the honour to submit your Letter of 28th ultimo, with its Enclosures, to the Officer commanding the Army; by whom I am directed to acquaint you, that he regrets you should have entered into any correspondence with the Officers of the Madras European Regiment on the subject, or deemed it necessary to forward their letter to head-quarters, as his decision was not adopted without due consideration, and is final.

If Lieutenant Forbes's presence is required by the Court of Enquiry now sitting at Masulipatam, you will be pleased to order him to attend.

(Signed) T. H. CONWAY,
Adjutant General.

Adj^{t} Gen^{ls}' Office, 8th June 1809.

N.B. The other original documents addressed to Lieutenant Colonel Innes, as Commandant of the Madras European Regiment and Northern Division of the Army, will now be referred; as also the Division and Regimental Orders published by Lieutenant Colonel Innes, in conformity with his instructions, which are in possession of

Lieutenant Colonel Innes,
Lieutenant and Adjutant Nixon, and
Lieutenant Hair, Fort Adjutant.

To the Adjutant General of the Army, Fort St. George.

Sir,

Para. 1. I Have the honour of reporting to you, for the information of the Officer commanding the Army in Chief, and the Honourable the Governor in Council, the particulars of the daring and premeditated mutiny which occurred here on Sunday the 25th June, about two or three o'clock P.M. when the three detachments of the Madras European Regiment were ordered to embark on board the fleet as Marines.

2. On the arrival of the Piedmontaise frigate and Samarang sloop of war at this place, I sent off a letter to Captain Foote, commanding the two ships, intimating that the three detachments of the Madras European were ready to embark, was he prepared and authorized to receive them on board his ship. The non-commissioned and privates appear to be highly pleased at going on this duty.

3. About sun-set I observed a boat landing with some Naval Officers, and, having invited Captain Foote on shore, went down to meet and receive him at the sea-gate, to conduct him to my quarters, that we might communicate fully on every subject which could tend to promote the public service, in carrying the orders of the Officer commanding the Army in Chief into execution.

4. Just as the Naval Officers were nearly landed, I was called aside by Lieutenant Forbes of the Madras European Regiment, who was accompanied by Captains Kelly and Harrington of the 1st Battalion 19th Regiment Native Infantry, Lieutenant and Adjutant Nixon, and Lieutenant and Quarter-master Spankie of the Madras European Regiment. Captain Kelly then read a Paper, which they were deputed to communicate to me, not only by the Officers of the garrison, but those of this division, requesting I would postpone the embarkation of the detachments of the Madras European Regiment, till they could receive an answer to an Address they had it in contemplation to submit to the Commander in Chief and the Honourable the Governor in Council, demanding a redress of grievances. To this application I pointedly objected, having no authority to set aside the instructions I received from the Commander in Chief.

5. Lieut. Spankie then boasted of their having the most positive assurances of support from the troops at Hydrabad, Jaulna, the Bombay Army, and every division on the coast. I then observed, that I hoped those expectations would not induce them to resist the embarkation, by being guilty of mutiny, and by trying whether the troops would obey them, or me. To order the whole in arrest was *now* my only alternative. This however I could not attempt, or expect their obedience to my authority, under existing circumstances, and standing alone.

6. At this instant the Purser of the Piedmontaise delivered to me a letter from Captain Foote (annexed) which, upon opening it, proved to be an official letter from the Chief Secretary of Government, dated 22d June 1809, ordering me to embark the detachment of H. M.'s 59th Regiment of Foot on board the Samarang, with the least delay. I then inquired of the Purser, if he had not brought any other letter to me from Captain Foote? he replied in the negative; nor did he hear of any detachment being ordered on board, but that of the 59th. This the deputation saw and heard.

7. But

7. But apprehending ſome miſtake had occurred, I told the deputation I expected a reply to my letter of that day, ſent Captain Foote, which would elucidate the ſubject: at 10 o'clock P.M. it reached me, referring me to his letter ſent by the Purſer, and of courſe concluded, that the one from the Secretary of Government was the one he alluded to, and ſent Captain Foote's letter to Lieutenant and Adjutant Nixon directly; and we concluded, that the detachments of the Madras European regiment were not expected to embark, which I communicated to the Officers on parade next morning, adding that they muſt be prepared to embark at an hour's notice on any other ſhips that might arrive to receive them on board; which appeared to give much ſatisfaction, finding they were not going by this opportunity.

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

8. About 10 o'clock P.M. 25th June, the Purſer and Mr. Midſhipman Shipper of the Samarang, returned from the Pettah to my quarters, and to my aſtoniſhment put Captain Foote's firſt and original letter (alluded to in his ſecond) into my hand, which, by miſtake, they omitted to do the previous evening; I then expreſſed my regret at what had paſſed, although I was convinced it made no difference, as I conceived from what paſſed the evening before, that the embarkation of the Madras European regiment detachments would be reſiſted by the Officers of the garriſon at all events.

9. I then ſent for Lieutenant and Adjutant Nixon, ſhowed him Captain Foote's letter, No. 4. annexed, and directed him to have the parties ready to go on board at 6 P.M. and to ſend the Officers ordered on this duty to receive my inſtructions. I at the ſame time obſerved to the Adjutant, that from what had paſſed the previous evening, I had every reaſon to ſuppoſe the embarkation would be reſiſted, and begged and conjured him to conſider of the conſequences, and to inform the Officers, that if they would pledge their honour not to interfere with me in the execution of my duty, by carrying the orders of the Commander in Chief and Government into execution, it would afford me the higheſt ſatisfaction, and preſerve order and tranquillity.

10. If, however, reſiſtance was intended to be offered by the *Officers* to the embarkation, I ſhould reluctantly be reduced to the diſagreeable neceſſity of applying to Captain Foote of the Piedmontaiſe to land the marines of both ſhips, and every ſeamen who could be ſpared, to ſee the orders of Government and the Commander in Chief *reſpected*, and to enable me to carry them into execution.

11. So ſoon as the order for embarking was made public, and ſhown to the Officers, they ran in a diſorderly, tumultuous, and mutinous manner to the barracks of the M. E. regiment and the 1ſt battalion 19th regiment N. I. calling on the men to arm, and prevailed upon them to join in the mutiny and oppoſition to my orders, and thoſe of the Commander in Chief, and the Honourable the Governor in Council.

12. Captain Kelly, Lieut. and Quarter-Maſter Spankie, and ſome other Officers came over to my quarters, conjuring me not to inſiſt on the embarkation, or to ſend to Captain Foot for aſſiſtance, which could only occaſion the ſhedding of much innocent blood, and endangering the loſs of the country. All this paſſed before the Naval Gentlemen. The firſt obſervation was a moſt ſerious one, having got the two corps to join them in the mutiny.

13. Another party of Officers came ſhortly after up to my quarters, repeating what the other Officers had done, and upbraiding me with giving incorrect information to Government and the Commander in Chief relative to what paſſed on the 7th ult. at the meſs, on which they acted, and diſperſed the regiment on my ſuggeſtions as a puniſhment, and which they never would accede to. Many other obſervations paſſed I do not exactly recollect; but I again intimated to the Gentlemen, that had they obeyed the order iſſued no mutiny could have occurred, or the public ſervice been impeded by their conduct and exertions.

14. Major Storey, who had been ſent for by the Officers in the fort to join in their mutiny, then came to my quarters, told me the two corps were under arms, and would not be diſmiſſed but by a proper authority; and that he was called upon by the Gentlemen to aſſume the command, and put me under cloſe arreſt, for the preſervation of the garriſon.

15. I obſerved to Major Storey, that I neither could nor would acknowledge his illegal arreſt and uſurped authority (although he might put me in cloſe confinement) for which he and the Officers would have to anſwer hereafter, having not only mutinied, but prevailed on the troops in garriſon to do ſo, by ordering them under arms without my authority, which they prevailed upon them to reſiſt.

16. Major Storey then ordered my letters to be ſeized that were coming from the Poſt-Office to be examined by him, and not to allow any to paſs out, or any Gentleman to viſit me, without his permiſſion. He then, I hear, iſſued a Garriſon Order, aſſuming the command, as Captain Andrews did of the M. E. regiment, and ſent off letters to Hydrabad, Bombay, Travancore, and every other ſtation and encampment that had united with them in the diabolical conſpiracy againſt the Government of Fort St. George, as will appear on reference to the regiſters of letters diſpatched after the mutiny from the Poſt-Office here; having completely laid aſide the maſk, publicly avowing and boaſting of the ſupport they depended upon receiving from their friends in having their grievances redreſſed, impoſed on them by their tyrannical Government.

17. Here it is requiſite to obſerve Lieut. Cecil, Doctor Anderſon, and Mr. Aſſiſtant Surgeon Jones of the M. E. regiment, did not join in the mutiny; nor do I think the non-commiſſioned and privates of the M. E. regiment, or the Native-commiſſioned, non-commiſſioned and privates of the 1ſt Batt^{n} 19th N. I. would, had they not been *miſguided* by their *guilty Officers*, who even then, I hear, had ſome difficulty to prevail on them to mutiny againſt my authority, and that of the Commander in Chief and Government.

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

18. Lieutenant Cecil, who commanded the main guard, having declined on every occaſion to join the other Officers in their diſorderly and inſubordinate conduct by reſiſting the meaſures of Government, was relieved from the duty of the main guard by the mutineers, not however till he had twice waited on me at the riſk of his life, the ſecond time after I was arreſted, when I told him to ſubmit, oppoſition being then of no uſe, and being ill, to report ſick and to avoid future ill treatment from the mutineers.

19. Finding my letters ſeized by the mutineers, I ſent a letter ſecretly to Captain Foote by his Purſer (with a requeſt that copies of it might be tranſmitted without delay to the Commander and the Honourable the Governor in Council, for their information, having no other means of reporting to them till I was liberated; when a ſtatement of circumſtances would be duly forwarded, which will fully *prove* that nothing was wanting on my part to carry my inſtructions into execution inſtantly, notwithſtanding the ſtate of affairs here, ſo frequently reported, ſince my aſſuming the command of the M. E. regiment and this Diviſion, previous to which their oppoſition to the meaſures of Government, and confederacy alluded to, had commenced with the Madras and Bombay Army.

20. In juſtice to the Purſer of the Piedmontaiſe, I muſt here obſerve, that his miſtake in not delivering the letter ſooner was of no conſequence, but that of delaying the mutiny a few hours; it being regularly organized and reſolved upon for ſome time paſt, and my being arreſted, that I might not impede their ſeditious plans againſt Government ſo actively carried on, ſorry I am to add, with too much ſucceſs. Underſtanding that General Pater will not reach this place before the 15th July, I forward this letter in a private and ſecret manner that Government may be in poſſeſſion of the fulleſt information on the 3d July, in caſe I may be put to death by the mutineers before or after the arrival of Major General Pater, Commanding Officer of this Diviſion.

(A true copy.)
(Signed) J. INNES,
L^t Col^l Comm^g Maſulipatam, and in charge of N. D. of the Army.

Maſulipatam,
26th June 1809.

Extract of a Letter from an Officer at Maſulipatam; dated 23d July.

It having been reſolved, that the Committee ſhould take into conſideration this day, the ſteps neceſſary to be taken in conſequence of the communication reſpecting the 2d. 10th. the following queſtions were ſuggeſted for deliberation at the ſame time, and for circulation to other Committees:

1ſt. If Government expreſſes a diſpoſition to reconciliation, and declares its readineſs to redreſs our paſt grievances, will you be ſatisfied with its offering to intercede with the Court of Directors to procure the reſtoration of the ſuſpended Officers, and conſenting, upon condition of our immediate return to order and regularity, to reſtore thoſe who have only been deprived of Staff appointment and Commands?

2d. If Government ſhould confine itſelf to general declarations of its wiſh to conciliate, and to general expreſſions of inclinations to redreſs our paſt grievances without making any particular ſpecification, will you conſent to accept this as a preliminary to reconciliation; and as agents cannot be appointed to arrange terms of permanent reconciliation, will you agree to ſuſpend all further meaſures for a certain time, to give Government a fair opportunity of fulfilling its preliminary declarations?—Theſe two queſtions, and the queſtion of circulating them for the deliberation of other Committees, have been favourably received, and are to be determined to-morrow morning. The only diſagreeable occurrence of the day is, that *ſome of the factious*, who are ſore at being excluded from the deliberations upon the preſent critical occaſion, have circulated a report, that the new Committee has been formed at your deſire, and to anſwer your purpoſes; but I am ſatisfied that an attack ſo eaſy to be repelled will have no influence upon the deliberation of the Committee, whilſt the act of agreeing to take it into conſideration proves that this Committee does not conceive itſelf pledged to ſupport the ultimatum you ſaid.

(A true copy.)
Paper from Hydrabad. (Signed) JOHN MALCOLM,
L^t Col. Comm^g.

Private Note from Lieutenant Colonel Innis to Lieutenant Colonel Malcolm; dated Maſulipatam, 20th July 1809.

My dear Sir,

I am favoured with your Note of this day's date, in reply to which I have to ſtate, that I had no communications with the Officers of the Madras European regiment on the ſubject of reducing the corps; but when Lieutenant J. G. Spankie waited upon me to receive the Commander in Chief's letter, intimated to him, on his refuſing to accept of the Quarter maſterſhip proffered to him by General Gowdie, that if he did ſo, it was the General's intention to bring him to a General Court Martial. I at the ſame time conjured him to accept of the ſituation offered to him, as on the conduct of the Officers of the regiment much depended on this occaſion; for if they perſiſted in the unwarrantable conduct they now were purſuing the regiment would be reduced, and all thoſe not on the Staff put upon the half-pay of their rank. I then told Lieutenant S. that other plans of a much more pleaſant nature were in contemplation,

plation for the regiment, which the Officers ſoon determined to put a ſtop to. I therefore begged and entreated that he and his friends would maturely and deliberately conſider of exiſting circumſtances, and ſtudy their own intereſt and that of the public, according to the General's wiſhes, which nothing upon earth could have induced me to make known to Lieutenant S. but the extreme deſire I had to preſerve order and tranquillity in order to promote the benefit of the regiment and the public ſervice. [No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

My letter from the General was a *private one*, but I conceive couched in ſuch terms as to authorize my making uſe of the information it contained, to check the irritation that exiſted in the corps.

Your's, ſincerely,
(Signed) J. INNES.

(A true copy.)
(Signed) J. MALCOLM,
Lt Col. Commt.

Maſulipatam,
22d July 1809.

Brigr General Malcolm, &c. &c. &c.

My dear Sir,

When I received the order of the Commander in Chief, appointing Lieut. Maitland to command the 1ſt party ordered to ſerve as marines on board the Fox frigate, I was waited upon by Captain Yarde and four ſubalterns of the Madras European regiment, in the name of the corps (requeſting I would nominate any ſubaltern in the regiment to go in the room of Lieutenant Maitland, who was always ſick at ſea) or permit one to volunteer his ſervices.

I accordingly ſhowed the deputation my inſtructions and orders, which I had not authority to *deviate from*, but offered to write to the Commander in Chief for his permiſſion; which they would not accede to. I at the ſame time aſſured the Gentlemen, the Honourable the Governor in Council and Officer commanding the Army in chief were ready to forget and forgive every thing that had taken place; and that I would have much pleaſure in accepting and forwarding any apology, however ſlight, which Lieutenants D. Forbes and Maitland might ſend me, and did not entertain a doubt but I ſhould be able to get Lieut. Maitland reſtored to his Quartermaſterſhip, and Lieut. D. Forbes continued with the regiment. They notwithſtanding perſiſted in making no apology, and the ſubject was dropped to my great regret.

Your's, ſincerely,
(Signed) J. INNES.

Abſtract of the Evidence of Capt. Andrews, of the Honourable Company's European regiment, and Capt. Kelly, of the 1ſt battalion 9th regiment N. I.; which is corroborated by ſeveral other Officers of the garriſon.

On the arrival of Lieutenant Colonel James Innes at Maſulipatam on the 7th ultimo, to aſſume the command of the Madras European regiment, he was invited to dinner at the regimental meſs, where there were ſeveral ſtrangers preſent. In the courſe of the evening a toaſt was propoſed, which it was conceived could not be objected to by any one, whatever might be his opinion of the recents acts of Government that have excited ſuch general diſcontent amongſt the Officers of the Coaſt Army; viz. "The Friends of the Madras Army." We were therefore much ſurprized to hear Lieutenant Colonel Innes expreſs his diſapprobation of it, and his wiſh that it might be changed to a more general one, viz. The Madras Army. Several obſerved, that there were Officers in this Army who were not its friends, and it appeared to be the general opinion of the company that the toaſt ſhould be given out as at firſt propoſed. Colonel Innes immediately aroſe from the table, and as he was going out of the meſs-room, the toaſt was drank with loud applauſes. This, we have reaſon to think, he conſtrued into his being hooted out of the meſs. Next day, Lieutenants D. Forbes and Maitland were informed, that if they did not apologize for ſome obſervations ſaid to be made by them at the meſs, in the preſence of their Commanding Officer, their conduct would be reported to Head Quarters. Thoſe Officers, however, to be acquainted that they ſhould be furniſhed with a copy of the report. As no ſpecified obſervations were mentioned by Colonel Innes, and as thoſe Officers had neither ſaid or done any thing that required an apology, they of courſe refuſed to make any. When it was ſuppoſed that Colonel Innis intended to recommend himſelf to Government, by informing them of the converſation of a party of the Officers of the regiment, they reſolved to have no further communication with him, except in caſes of duty. Some days afterwards, Lieutenants Spankie and Rancorno waited upon Col. Innes, and explained to him fully their motives for declining to hold any private intercourſe with him: In the courſe of a long converſation, he repeatedly told them that he had not reported Lieutenants Forbes and Maitland, and at laſt aſſured them, unleſs obliged to do ſo by ſome future conduct of theirs, he would not. With this aſſurance the Officers of the regiment were ſo ſatisfied, that they altered their behaviour towards Col. Innes. His declarations, however, were equivocal and falſe, as will appear by the Letter, No. 1. which was publiſhed in the Regimental Orders of the 22d ultimo. He has acknowledged by the Letter, No. 2. that it was written in conſequence of information communicated by him in a private letter, but which he pretended he did not think would have been acted upon. Agreeably to this, Lieutenant Forbes ſubmitted to the puniſhment inflicted upon him; but previous to his departure for Condapally, he requeſted the Commander in Chief to give him an

[No. 2. C.] Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

an opportunity of proving his innocence of the charge laid againſt him before a General Court Martial. The anſwer he received to this was, that the Commander in Chief deemed his application inadmiſſible; but no reaſon whatever was aſſigned.—Vide Letters, Nos. 3. and 4. Col. Innes put Lieutenant Fenwick's name in Orders to ſucceed to the ſituation of Lieutenant Maitland; but that Officer begged leave to decline acceptance of it under the exiſting circumſtances. The Quartermaſterſhip was then offered to Lieutenant Spankie, who was told, that if he refuſed the ſituation he would be brought to a Court Martial; that the regiment would be diſbanded, and the Officers placed upon half-pay.—Vide the Memorandum, No. 5. Whether by Lieut. Spankie, in the preſence of Colonel Innes, by whom they ſeem dictated; he was alſo deſired to recollect the ſituation of Captain Yarde, a married man with a large family, and to reflect upon the misfortune he would bring down upon his brother Officers; but if he would accept the appointment, there were favours for the regiment in contemplation of Government.

Thus the fate of the regiment, and the favour or powers of a Government, depended upon the will of an individual; and Officers of all ranks were to be puniſhed, if his conduct, over which they had no controul, proved unſatisfactory.—Vide Letter, No. 6. from Colonel Innes to Lieutenant Spankie. On the receipt of the General Orders, appointing him Quartermaſter, Lieut. Spankie did however ſend a letter to the Honourable the Governor in Council; and, upon Colonel Innes's refuſal to forward it through the regular channel, he forwarded it, directed, in which he requeſted to relinquiſh the ſituation.—Vide Letter, No. 7. To this letter no anſwer was ever returned. At the ſame time Colonel Innes forwarded the application of Lieut. D. Forbes for a Court Martial, he tranſmitted an official Statement of what has occurred at the regimental meſs in his preſence, in the evening of the 7th ultimo. When Lieutenant Maitland was acquainted with this circumſtance, he applied to him for a copy of ſuch parts as concerned himſelf.—Vide Letter, No. 8. Colonel Innes refuſed to comply with this requeſt, ſtating that Government would be guided by his Report of that day, and decide accordingly: he alſo mentioned, that as far as he knew, private information would not have been acted upon had the expected apology been made; and he imputed to Lieutenant Maitland an obſervation, which he ſaid was made at the meſs that evening, regarding the Hydrabad Subſidiary Force.—Vide Letter, No. 9. Lieutenant Maitland informed him in reply, that until the receipt of this Note of this day, he did not know for what words or actions of his an apology had been required, and moſt ſolemnly denied having made any obſervations regarding the Hydrabad Subſidiary Force on the night alluded to, or at any other time in Colonel Innes's preſence.—Vide Letter, No. 10. The Letter, No. 11, was ſigned by every Officer preſent with the regiment, excepting one, to whom it was not ſent. On the receipt of it, Colonel Innes wrote an official Note to the Adjutant, in which he promiſed to forward the above letter, and requeſting the Officers of the regiment, who were preſent at the meſs on the 7th ultimo, to draw up a Statement of the circumſtances which induced him to quit the meſs-room on the evening of that day.—Vide Letter, No. 12. The Letter, No. 13. is a copy of their Anſwer. On the 2d June arrived an order, directing Lieutenant D. Forbes to proceed forthwith to the Preſidency, and there to embark for Penang, for the purpoſe of taking charge of a few men of the regiment ſtationed at that iſland. Lieutenant Maitland was at the ſame time ordered to hold himſelf in readineſs, with thirty men of the regiment, to go on board the Samarang ſloop of war as marines. In conſequence of this order, a deputation from the Officers of the Madras European regiment waited upon Colonel Innes, and earneſtly requeſted him to ſelect two other Officers for the above duties.

They ſtrongly preſſed upon him the impropriety of ſelecting two Officers whoſe conduct had been branded in Orders. If thoſe Gentlemen had been guilty of conduct contrary to every principle of military ſubordination, they were unfit to be ſent on command with that ſtigma hanging over them; and, if innocent, as the Officers of the regiment aſſerted them to be, they ought not to be ordered from the coaſt until an inveſtigation ſhould take place, and the charge as publicly retracted as it had been preferred. It is here neceſſary to obſerve, that during the conference between Colonel Innes and the deputation, he read to them an extract from a letter received from the Commander in Chief, threatening the regiment's being diſbanded. Reſpecting Lieutenants Forbes and Maitland, he ſaid, he could not ſelect two others, as thoſe Officers had been nominated by the Commander in Chief; he acknowleged that he might have been miſtaken as to Lieutenant Maitland's perſon, and that he now ſaw the matter in a different point of view to what he did at firſt. He alſo ſaid that the letter No. 1, ſhould be expunged from the Orderly Books; and that if Lieutenant Forbes and Maitland would offer ſome ſlight apology he would endeavour to get the latter reinſtated in his appointment. The apology was poſitively refuſed.

Upon a candid conſideration of the preceding circumſtances it will not excite ſurprize when we ſtate, that alarm and indignation were excited in the minds of the Officers. The falſe aſperſions caſt upon their characters might have tended to have lowered them in the opinion of the men, ignorant as they muſt have been of the circumſtances which occaſioned it; the two Officers were naturally ſuppoſed to have been ſelected for ſome puniſhment, as Colonel Innes had publicly declared, that ſuch was the intention by their being appointed to thoſe commands; at any rate their feelings had been wounded by the ſevere reflections againſt them, contained in the Letter of the Commander in Chief, which was publiſhed to the regiment. A Court Martial had been poſitively refuſed on the application of one of thoſe injured Officers, which was the only means he knew to clear up his character before the world.

Maſulipatam, 10th June 1809.

All

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All the circumstances above stated took place previous to the 10th June. We afterwards found that two more detachments were ordered from the Madras European regiment to act as marines.

We found that the Officers of various stations concurred in opinion with the Officers of this garrison regarding the illegality of the order respecting Lieutenants Forbes and Maitland, and the unjust treatment experienced by the Madras European regiment in general; and we heard, from different quarters, it really was intended to disband the regiment, which circumstances rendered extremely probable. On the arrival therefore, of the Piedmontaise and Samarang ships of war, a deputation from the Officers of the garrison waited upon Colonel Innes, and requested him to suspend the execution of the Orders regarding the three detachments of marines until we had made a representation on the subject to the Commander in Chief, for the discussion of the Honourable the Governor in Council; with this request he positively refused to comply, and threatened to enforce obedience to his order by an appeal to the men; next day he seemed determined to abide by the resolution he had expressed to the deputation, but appeared to be sensible that the Officers ordered to act as marines would not be allowed to embark, and that the men respected their Officers too much to go without them.

He therefore stated his intention to carry his orders into execution with the assistance of the detachment of His Majesty's 59th regiment, the artillery, and a body of men which he said would be landed from His Majesty's ships then in the roads, as more particularly mentioned in the Reasons signed by the deputation, and forwarded to Head Quarters by Major Storey, with his official account of what occurred here on the 25th June.

(A true copy.)

Masulipatam, 21st July 1809.

(Signed) JOHN MALCOLM, Lieut^t Colonel.

Substance of the Deposition of Lieutenant Nixon, Adj^t.

Lieutenant and Adjutant Nixon informs Lieutenant Colonel Malcolm, that the best opinion he can form from his communication with confidential men is, that the non-commissioned, rank and file of the Madras regiments were alarmed, in consequence of the measure adopted towards their Officers Lieutenants D. Forbes and Maitland, and the threat held out in the Adjutant General's letter published in the Regimental Orderly Book, lest the most severe penalty might be inflicted on the regiment, conjecturing that they must either be disbanded, transported, or otherways disposed of, by way of punishment, on a repetition of similar conduct of their Officers. To use their own expression, it was a general saying, that they might as well order out one of us to be flogged or hanged up; and certainly, in my opinion, from that period great discontent prevailed amongst the men. This discontent considerably increased from the order respecting the marines, nominating Lieutenant Maitland in particular, and directing Lieutenant D. Forbes to proceed to Penang, and afterwards by two other detachments being ordered on marine service, to which they said they did not enlist to come to India as marines; they were also led to believe from the ship's boat that landed here, that no marines were required for the ships in the Roads, but that they wanted seamen only, and consequently supposed that they were to be turned over to the Navy. These points were most deeply impressed upon their minds by a communication which was believed to have come from the high authority of the Commander in Chief, that the regiment was to be disbanded and the Officers put on half-pay, in case Lieutenant Spankie should not accept of the station of Quartermaster.

Lieutenant Nixon further states, that considerable discontent exists in consequence of the great number of men in the regiment who enlisted for general service, time unlimited, prior to Mr. Windham's Act, and that they consider it a hardship that they should not be admitted to the full benefit of the Act in point of limited service.

Another cause of discontent is, that the regiment has not its tour of duty in the field, and change of station with His Majesty's corps.

Masulipatam, 21st July 1809.

Extract from Regimental Orders: Madras European Regiment, 22d May 1809

The following is published for the information of the Officers of the Madras European regiment, in conformity with which Lieutenant Maitland is removed from the appointment of Quartermaster, and Lieutenant Fenwicke is appointed to act as Quartermaster, and to take charge of that office immediately, till further orders.

To the Officer commanding, or Senior Officer, in charge of Madras European regiment.

Sir,

It having come to the knowledge of the Officer commanding the Army, that conduct highly indecorous and contrary to every principle of military subordination, was observed at the mess of the Madras European regiment on the 7th inst. and that Lieut. David Forbes, and Lieut. Quartermaster Maitland, were the authors and supporters of it; I am directed to desire that you will express to the Officers of the Madras European regiment, the Officer commanding the Army's highest disapprobation of such conduct, and inform them, that a

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repetition of such irregularity will involve the whole corps in the severest penalty to which such insubordinate proceedings are liable; but which, from the benefit of your example, the Officer commanding the Army is yet disposed to think it will be unnecessary to resort to.

Notwithstanding this hope, the Officer commanding the Army feels himself called upon to mark, by a suitable example, the authors of the exceptionable conduct that has come to his notice, and with that view has taken it upon himself to anticipate the sanction of the Honourable the Governor in Council, for the removal of Lieut. Maitland from the situation of Quartermaster of the Madras European regiment. For this purpose I am directed by the Officer commanding the Army to desire that you will remove Lieut. Maitland from the charge of the appointment of the Quartermaster of the regiment; and that you will yourself appoint to succeed him the subaltern Officer whose conduct you most approve, and forward his name to this office, that the Officer commanding the Army may recommend to Government to confirm your selection.

Lieutenant David Forbes you will be pleased to appoint to command at Condapilly, and direct him to proceed in 24 hours after the publication of your orders, directing the Officer now there to return to join his corps; and it is the Officer commanding the Army's further orders, that Lieutenant D. Forbes may not be permitted to be absent from Condapilly unless it becomes necessary for his health.

(Signed) S. H. S. CONWAY,
Adj^{t} Gen^{l}.

Adjutant General's Office,
17th May 1809.

Extract from Division Orders, by Lieut. Colonel Innes; 22d May 1809.

Lieut. David Forbes of the Madras European regiment is appointed to command at Condapilly, and directed to proceed to that station in the course of 24 hours after the publication of this Order. The Officer now in command of that garrison is directed to join his corps on being relieved by Lieut. D. Forbes, who will not be permitted to be absent from Condapilly unless it becomes necessary for his health.

Extract from a Letter; dated 27th May 1809.

To Lieut. Nixon, Adjutant of the Madras European regiment.

Sir,

I have the honour to acknowledge the receipt of an address from the Officers of the Madras European regiment to the Adjutant General of the Army, which shall be forwarded to be submitted to the Officer commanding the Army in Chief; I have therefore to *direct* that a *Statement* of the *circumstances* which passed in the mess-room of the Madras European regiment may be made out by the Gentlemen of the corps now present, who dined at the mess-room on that day, which obliged me to quit the mess-room of the corps. No apology was ever subsequently made to me, although required and expected, by Lieut. D. Forbes and Maitland (as was their duty to do) for the pointed disrespect shewn by them to the dignity of the Honourable the Governor in Council and Commander in Chief, in my presence, their immediate Commanding Officer.

(Signed) JAMES INNES, Lieut^{t} Col^{l} M. E. R.
in charge of the N. D. of the Army.

Extract from a Letter, dated 28th May 1809.

To Lieutenant Nixon, Adjutant, Madras European regiment.

Sir,

I have the honour to acknowledge the receipt of your Note of this day's date, with the statement I thought proper to order to be made out in my Note of last night to you, for the information of the Officer commanding the Army in Chief. I shall now merely confine myself to remarking (to the Officers whose names appear to the Letter now received) that had they not made observations on the late General Orders of the Honourable the Governor in Council and Commander in Chief, and remarks on the steady conduct of the Officers of the Subsidiary Force at Hydrabad, as also on the Officers in the Army, "who are not the friends of the Army," I should not have quitted the table at the mess-room, *merely* because The Friends of the Army was proposed as a *toast*, which I requested might be changed to The Madras Army; and when not acquiesced in, I felt myself called upon to quit the mess-room. Very fortunately there were many strangers present at dinner as well as myself, whose recollection of what passed on that day may be able to elucidate this subject, should the Honourable the Governor in Council and Commander in Chief deem it requisite to call upon them for this purpose.

(Signed) JAMES INNES, L^{t} Col^{l} M. E. R^{t}
in charge of the N. D. of the Army.

Extract from Division Orders, by Lieutenant Colonel Innes; dated 1st June 1809.

A detail, consisting of a subaltern, two serjeants, two corporals, and 30 privates, belonging to the Madras European regiment, to be held in readiness to embark at a short notice on board the Fox frigate, to serve as marines. The Officer commanding the Madras European regiment

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ment will give the requiſite orders for the equipment of the above detail, which Lieut. Maitland is appointed to command.

Lieut. D. Forbes, of the Madras European regiment, is relieved from the command of Condapilly, and directed to proceed forthwith to the Preſidency, for the purpoſe of embarking for Prince of Wales' Iſland, to take charge of the detail of the corps doing duty there.

Enſign Dixon of 1ſt battalion 19th regiment N. I. is re-appointed to command at Condapilly, and directed to proceed to that ſtation with the leaſt delay, to relieve Lieut. D. Forbes of the Madras European regiment.

The detail above-named is to be ſtruck off garriſon duty.

(Signed) JAMES INNES, Lieut^{t} Col^{l}
in charge of the N. D. of the Army.

Extract from the Regimental Orders, Madras European Regiment; 2d June 1809.

A roll of the detail ordered on board the Fox frigate to ſerve as marines to be ſent to the Paymaſter, to enable him to furniſh them with pay certificates; the roll alluded to, when ready, is to be inſerted in the Regimental Orderly Book. Every thing requiſite from the Regimental Stores to equip the detail is to be indented for, directing that the whole may be prepared to embark at an hour's notice. Pay is ordered to be iſſued to the detail alluded to above.

The Commanding Officer has approved of the arrangement made for the detail directed to embark, but as Lieut. Maitland has expreſſed a wiſh to the Adjutant to make ſome exchanges of the non-commiſſioned Officers;—accedes to the wiſhes of Lieut. Maitland, provided Officers commanding the companies to whom they belong conſent to the exchange, otherwiſe thoſe already ordered will go.

Extract from General Orders; 2d June 1809.

Pay in advance for June, and arrears for May, to be iſſued to the troops under orders for embarkation in the courſe of this day, to enable them to prepare for their paſſage to the Preſidency on the Fox frigate.

Extract from Regimental Orders, Madras European Regiment; 3d June 1809.

The Adjutant will furniſh Lieut. Maitland with a roll of his detachment, and Officers commanding Companies are directed to ſend to that Officer the pay advance (as in yeſterday's orders) for the detachment ordered as Marines.

Extract from Diviſion Orders, by Lieut. Colonel Innes.

Lieut. Dixon of the 1ſt battalion 19th regiment N. I. having joined his corps this morning with the detachment from Condapilly, is directed to reſume the command of that ſtation to-morrow to relieve Lieut. D. Forbes, in conformity with the Diviſion Orders of the 1ſt inſtant, and will be provided with a paſſport by the acting Fort Adjutant.

(Signed) JAMES INNES, L^{t} Col^{l}
in charge of the N. D. of the Army.

Maſulipatam,
5th June 1809.

Extract from Regimental Orders, Madras European Regiment; 6th June 1809.

The Commanding Officer having taken upon himſelf to grant family certificates to the detail ordered on board His Majeſty's ſhip Fox, Lieut. Maitland is requeſted to refer to the laſt Orders iſſued upon this ſubject, which it will be requiſite to attend minutely to, to prevent retrenchments hereafter.

Extract from Diviſion Orders, by Lieut. Colonel Innes; 7th June 1809.

The detail ordered from the Madras European regiment is now reduced to one ſubaltern, one ſerjeant, one corporal, one drummer, and 26 privates, in all 30, to be held in readineſs to embark at a moment's notice on board the Samarang ſloop of war, hourly expected.

(Signed) JAMES INNES, L^{t} Col^{l}
in charge of N. D. of the Army.

Extract from Garriſon Orders; 13th June 1809.

Lieutenant D. Forbes, of the Madras European regiment being ſummoned as an evidence by Enſign Baker to attend the Court of Enquiry ordered to aſſemble for the purpoſe of inveſtigating the conduct of Enſign Baker, Lieutenant D. Forbes is conſequently directed to remain here till further orders.

Extract from Garriſon Orders; 20th June 1809.

The detail from the Madras European regiment, ordered to be held in readineſs to ſerve as marines on board the Samarang ſloop of war, are directed to join their reſpective companies, and to do garriſon duty till further orders, but to be conſidered as under Diviſion Orders to embark on a ſhort notice.

Extract

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Extract from Diviſion Orders, by Lieut. Colonel J. Innis; dated 23d June 1809.

Two detachments from the Madras European regiments to be held in readineſs to embark (at a ſhort notice) on board of ſuch of His Majeſty's ſhips as may call to receive them, to ſerve as marines, and to conſiſt of the following ſtrength; viz. one detachment to be compoſed of one Lieutenant, two ſerjeants, three corporals, and thirty-five privates, making a total of 41: the others, of one Lieutenant, one ſerjeant, two corporals, and twenty-ſeven privates, —31 total. Such men as wiſh to have family certificates, are to be provided with them by the Officers under whoſe command they may be placed immediately; no time being fixed for the embarkation of the above details, they are to be continued on the ſtrength of the garriſon, as alſo Lieut. Maitland's party, till further orders.

(Signed) JAMES INNES,
Lieut. Colonel.

Extract from Regimental Orders; 24th June 1809.

Lieutenant Lawleſs and Carberry to indent for ammunition, and every thing requiſite to complete their reſpective detachments, immediately.

Should Lieut. Colonel Innis receive any additional information from the ſhips, he will write to Lieut. Nixon inſtantly.

(Duplicate.)

Note.—The Officers of the Madras European regiment, whoſe names are ſigned to the accompanying Addreſs to the Adjutant General of the Army, requeſt Lieut. and Adjutant Nixon to tranſmit the ſame to Lieut. Colonel Innis, commanding the regiment, in order that he may be pleaſed to forward it to Head-quarters by this night's tappal.—Saturday, 27th May 1809.

To the Adjutant General of the Army, Fort St. George.

Sir,

It was with extreme concern that in our Regimental Orders of the 22d inſt. we found a copy of a Letter from you, by which we were informed that it had come to the knowledge of the Officer commanding the Army, that conduct highly indecorous and contrary to every principle of military ſubordination, had been obſerved at the meſs of the Madras European regiment on the 7th inſtant.

We beg leave to aſſure you, for the information of Major General Gowdie, that it appears to us the account he has received of the conduct of thoſe Officers who were preſent at the meſs in the evening, muſt have been erroneous.

We cannot help lamenting that ſuch a ſtigma on the character of ſo numerous a body of Officers as we form, ſhould have been thus publicly thrown out, before we had been furniſhed with a copy of the Report that has been made againſt them.

We have ſeen, with the deepeſt regret, two of our brother Officers puniſhed, without being ſpecifically informed what part of their conduct at the regimental meſs induced the Officer commanding the Army to ſuppoſe them to have been *guilty* of the ſerious *crime* with which they are charged; and we naturally feel conſiderable apprehenſion leſt the whole corps ſhould, in a ſimilar manner, be involved in the ſevereſt penalty to which inſubordinate proceedings are liable.

We truſt, therefore, you will ſtate to Major General Gowdie, our confident hope that he will have the goodneſs to direct us to be furniſhed with a copy of the information he has received regarding the conduct obſerved at the meſs on the night of the 7th inſtant.

When we receive this we have no doubt of being able to convince the Officer commanding the Army in Chief, that the conduct of thoſe who were preſent on that occaſion did by no means merit the ſevere cenſure with which it has been marked.

(Signed)—J. Boy, Enſign.—W. Kyd, Lieut.—R. Williams, Enſign.—P. Brown, Enſign. M. Clarke, Enſign.—J. J. Kelly, Lieut.—C. Forbes, Lieut.—W. Davenant, Lieut.—B. Hooper, Lieut.—J. Stewart, Lieut.—Aug. Andrews, Captain.—G. G. Maitland, for Lieut. D. Forbes.—J. S. Spankie, Lieut.—H. Yarde, Captain.—G. L. Nixon, Lieut.—H. Carberry, Lieut.—G. Maxwell, Enſign. —C. Colman, Lieut.—J. Hancome, Lieut.—W. Fenwick, Lieut.—B. Baker, Enſign.

Maſulipatam,
24th May 1809.

(Duplicate.)

To Lieutenant Colonel Innes, commanding the Madras European regiment, in charge of the Northern Diviſion of the Army.

Sir,

Agreeably to your orders, communicated to us by Lieutenant and Adjutant Nixon, we have the honour to ſtate that we were preſent at the regimental meſs on the evening of the 7th inſtant, and that it was with conſiderable aſtoniſhment that we obſerved you leave the meſs ſo abruptly.

We are unable to ſay what was the occaſion of your doing ſo. "The Friends of the Army" was propoſed as a toaſt, and we conceived it to be one that could not be objected to; you wiſhed to alter it, and roſe from the table, when it was about to be drank; we conjectured it had given you offence, and that it was on this account you left the meſs.

So

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Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

So far from obſerving any *pointed diſreſpect*, we did not notice any diſreſpect whatever ſhewn by Lieutenant D. Forbes and Lieutenant Maitland, to the dignity of the Honble. the Governor in Council and the Commander in Chief, in your preſence; and until we ſee the account you have forwarded to Head-Quarters on the ſubject, we ſhall be at a loſs to ſuppoſe what part of our conduct, on the night alluded to, appeared to you to be exceptionable.

(Signed) A. Andrew, Captain.—G. G. Maitland.—J. F. Spankie, Lieutenant.—P. Browne, Enſign,—and thoſe Officers preſent at the meſs on the night of the 7th May 1809.

(A true copy.)

Maſulipatam, 28th January 1809.

(Signed) JOHN MALCOLM, Lieut. Colonel.

Appendix, No. 1.

Copy of Regimental Orders, publiſhed by Lieutenant Colonel Innes, in the Orderly Book of the M. E. regiment.

Maſulipatam, 22d May 1809.

R. O. by Lieutenant Colonel Innes.

Lieut. D. Forbes, of the Madras European regiment, is appointed to command at Condapilly, and directed to proceed to that ſtation in the courſe of 24 hours after the publication of this Order. The Officer, now in command of that garriſon, is directed to join his corps on being relieved by Lieutenant Forbes, who will not be permitted to be abſent from Condapilly unleſs it becomes neceſſary for his health.

The following letter is publiſhed for the information of the Officers of the Madras European regiment, in conformity with which Lieutenant Maitland is removed from the appointment of Quarter-Maſter, and Lieutenant Fenwick is appointed to act as Quarter-Maſter, and to take charge of the office immediately, until further orders.

To the Officer commanding, or Senior Officer in charge of the M. E. Regiment.

Sir,

It having come to the knowledge of the Officer commanding the Army, that conduct highly indecorous, and contrary to every principle of military ſubordination, was obſerved at the meſs of the Madras European regiment on the 7th inſtant, and that Lieut. David Forbes and Lieutenant and Quarter-maſter Maitland were the authors and ſupporters of it, I am directed to deſire that you will expreſs to the Officers of the Madras European regiment, the Officer commanding the Army's higheſt diſapprobation of ſuch conduct, and inform them, that a repetition of ſuch irregularity will involve the whole corps in the ſevereſt penalty to which ſuch inſubordinate proceedings are liable; but which, however, from the benefit of your example, the Officer commanding the Army is yet diſpoſed to think it will be unneceſſary to reſort to. Notwithſtanding this hope, the Officer commanding the Army feels himſelf called upon to mark by a ſuitable example the authors of the exceptionable conduct that has come to his notice; and with that view has taken upon himſelf to anticipate the ſanction of the Honble. the Governor in Council, for the removal of Lieutenant Maitland from the ſituation of Quarter-maſter of the Madras European regiment. For this purpoſe I am directed by the Officer commanding the Army to deſire that you will yourſelf appoint to ſucceed him, the ſubaltern Officer whoſe conduct you moſt approve, and forward his name to this office, that the Commanding Officer of the Army may recommend to Government to confirm your ſelection. Lieutenant David Forbes you will be pleaſed to appoint to Condapilly, and direct him to proceed in 24 hours after the publication of your orders, directing the Officer now there to return to join his corps; and it is the Officer commanding the Army's further orders, that Lieut. Forbes may not be permitted to be abſent from Condapilly unleſs it become neceſſary for his health.

Adjutant General's Office, 17th May 1809.

(Signed) J. H. S. CONWAY, Adjt Genl

No. 2.

Copy of a letter addreſſed to Lieut. Nixon, Adj^t M. E. Reg^t.

Dear Sir,

I previouſly intimated to you, and ſome of the other Officers of the corps, that I would not report what paſſed on the 7th inſtant at the meſs officially; that I mentioned the circumſtances privately I acknowledge, knowing that if I omitted to do ſo, other accounts would ſoon reach Madras. I have now ſtated the circumſtances officially to Head-Quarters.

Your's truly,

Maſulipatam, 24th May 1809.

(Signed) J. INNES, M. E. Regiment.

[No. 2. C.]

Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

No. 3.

Copy of an Application from Lieut. D. Forbes, for a Court Martial, to Lieut. Col. Innes, commanding Madras E. Regiment.

Sir,

As the information which the Officer commanding the Army in Chief has received of my conduct at the regimental mess on the evening of the 7th instant, must have been extremely incorrect, in vindication of my character I have requested, in the accompanying letter, a public investigation, and beg you will forward it to the Adjutant General of the Army.

Masulipatam, 22d May 1809.

(Signed) D. FORBES, Lieut. M. E. Regiment.

To the Adjutant General of the Army.

Sir.

Having been accused in the copy of a letter from you, published in Regimental Orders of the 22d instant, of being one of the authors and supporters of conduct highly indecorous, and contrary to every principle of military subordination, I beg leave to request that I may be allowed the privilege of attempting to prove my innocence of that most serious charge before a General Court Martial; and I have to request that you will lay this my desire before the Officer commanding the Army in Chief.

(Signed) D. FORBES, Lieut. M. E. Regiment.

Masulipatam, 22d May 1809.

Copy of the Reply to the foregoing Application.

To Lieutenant D. Forbes, Madras European Regiment.

Sir,

I have the honour to annex, for your information, Extract of a Letter received from the Officer commanding the Army in Chief.

(Signed) J. INNES. Lieut. Col. in charge Northern Division of the Army.

Masulipatam, 5th June 1809.

Extract, dated Adjutant General's Office, 31st May 1809.

In reply to Lieutenant Colonel Innes's letter of the 24th instant, I have the honour to inform you that Lieut. D. Forbes's letter, applying to be tried by a General Court Martial, has been submitted to the Officer commanding the Army, who deems that Officer's request inadmissible.

(A true extract.)

(Signed) J. INNES, Lieut. Colonel.

Memorandum, written in the presence of Colonel Innes, and detailed by him.

1st. Provided I (Lieutenant Spankie) do not accept of the situation of Quarter-master to the Madras European regiment, I must be brought to a Court Martial for disobedience of orders.

2d. If I (Lieut. S.) still persist in refusing this situation, the regiment will be reduced, and every Officer not on the General Staff, placed on half-pay.

3d. In the event of my accepting this situation, other plans of much more pleasant nature have been in contemplation for the regiment, which the Officers seem determined to put a stop to.

No. 6.

Copy of a Letter from Lieutenant Colonel Innes, to Lieutenant Spankie.

My Dear Sir,

I believe I forgot to remark that your situation and Lieut. Fenwick's are very different now, under existing circumstances; it was equally proper for him to decline accepting of the Quartermastership, as it is absolutely proper and necessary that you should accede to the General's wishes to save a whole regiment. Think of this.

Your's, truly,
(Signed) J. INNES.

No. 7.

Copy of a Letter from Lieutenant Spankie to the Honourable Sir George Barlow, Bart. K. B. Governor in Council, Fort St. George.

Honourable Sir,

I have the honour to request you to accept my resignation of the situation of Quarter-master of the Madras European Regiment. I have signed an official paper, in which I have declared, that I conceive Lieut. Maitland has been removed from his appointment, in consequence

[No. 2. C.]
Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

fequence of an erroneous report of his conduct having come to the knowledge of the Commander in Chief, and this is ſtill my decided opinion. On this account, and to prevent my being removed on private information, without having an opportunity of getting my conduct publicly inveſtigated, I hope you will do me the favour to comply with my moſt earneſt requeſt to be permitted to relinquiſh a ſituation which I cannot hold, and at the ſame time retain the good opinion of my brother Officers.

(Signed) J. S. SPANKIE,
Lieut. M. E. Reg.

Copy of a Letter from Lieut. Maitland to Lieut. Colonel Innes.

Sir,

I have this moment underſtood that you have found it neceſſary to report my conduct to the Commander in Chief. As I am not conſcious of any miſconduct, it is probable I may have ſomething to alledge in my defence. I therefore beg leave to requeſt a copy of your Report, or at leaſt to be made acquainted with its purport.

(Signed) G. MAITLAND,
M. E. Regiment.

Maſulipatam,
24th May 1809.

Copy of a Letter from Lieutenant Colonel Innes to Lieutenant Maitland.

Sir,

Under exiſting circumſtances, I deem your application inadmiſſible; Government will be guided by my Report of this day, and will decide accordingly. So far as relates to yourſelf, you may apply to the Adjutant General of the Army for a copy: I am left to regret that you and Lieutenant Forbes did not make *the required apology* for your conduct on the 7th *inſtant*; had you done ſo, as I requeſted, private information would not have been acted upon as far as I know; matters muſt now take their courſe. I will ſtill forward any explanation you may ſtate to me, with reſpect to the obſervations you made at the meſs on the 7th inſtant ſo publicly, with reſpect to the Nizam's detachment and Officers, who are not friends of the Army

(Signed) J. INNES, Lieut. Colonel.

No. 10.

Copy of a Letter from Lieutenant Maitland to Lieutenant Colonel Innes.

Sir,

I am ſorry that circumſtances exiſt to ſubject me to be condemned unheard for a time. I hope Government will not decide upon your Report until I have an opportunity of defending myſelf, which, according to your letter, I muſt look for from the Adjutant General of the Army. Until I received your letter this day, I never knew for what words or actions of mine an apology was required; for I moſt ſolemnly deny ever having given any opinion, in any way, regarding the Nizam's detachment and its Officers that night or any other time in your preſence.

(Signed) G. G. MAITLAND, Lieutenant.

No. 11.

Copy of a Letter from the Officers of the Madras European Regiment to the Adjutant General of the Army.

Sir,

It was with the moſt extreme concern, that in our Regimental Orders of the 22d inſtant, we found a copy of a letter from you, by which we were informed that it had come to the knowledge of the Officer commanding the Army, that conduct highly indecorous, and contrary to every principle of military ſubordination, had been obſerved at the meſs of the Madras European regiment on the 7th inſtant. We beg leave to aſſure you, for the information of Major General Gowdie, that it appears to us, that the account he has received of the conduct of thoſe Officers who were preſent at the meſs on that evening, muſt have been erroneous. We cannot help lamenting that ſuch a ſtigma on the character of ſo numerous a body of Officers as we form, ſhould have been thus publicly thrown out before we had been furniſhed with a copy of the Report that has been made againſt us.

We have ſeen, with the deepeſt regret, two of our brother Officers puniſhed without being ſpecifically informed what part of their conduct at the regimental meſs induced the Officer commanding the Army to ſuppoſe them to have been guilty of the ſerious crime with which they are charged; and we naturally feel conſiderable apprehenſion leſt the whole corps ſhould in a ſimilar manner be involved in the ſevereſt penalty to which inſubordinate proceedings are liable. We truſt therefore that you will ſtate to Major General Gowdie, our confident hope that he will have the goodneſs to direct us to be furniſhed with a copy of the information which he has received, regarding the conduct obſerved at the meſs on the night of the 7th inſtant. When we receive this we have no doubt of being able to convince the Officer commanding the Army in Chief, that the conduct of thoſe who were preſent on that occaſion did by no means merit the ſevere cenſure with which it has been marked.

(Signed) By all the Officers preſent with the Regiment, except one, to whom it was not preſented.

Maſulipatam,
27th May 1809.

[No. 2. C.]

Enclosure No. 12. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

No. 12.

Copy of a Letter from Lieutenant Colonel Innes to Lieutenant and Adjutant Nixon.

Sir,

I have the honour to acknowledge the receipt of an Address from the Officers of the Madras European regiment to the Adjutant General of the Army, which shall be forwarded to be submitted to the Officer commanding the Army in Chief, I have therefore to direct that a Statement of the circumstances which passed on the 7th instant in the mess-room of the Madras European regiment may be made out by the Gentlemen of the corps now present, who were at the mess-room on that day, which obliged me to quit the mess-room of the corps. No apology was ever subsequently made to me, although required and expected, by Lieutenants D. Forbes and Maitland, as it was their duty to do, for the pointed disrespect shewn by them to the dignity of the Honourable the Governor in Council and Commander in Chief, in my presence, their immediate Commanding Officer.

(Signed) J. INNES,
Lieutenant Colonel.

Masulipatam, 27th May 1809.

Copy of the Reply of the Officers M. E. Regiment to the above Letter.

To Lieutenant Colonel Innes, commanding the Madras European Regiment.

Sir,

Agreeably to your orders communicated to us by Lieutenant and Adjutant Nixon, we have the honour to state, that we were present at the regimental mess on the evening of the 7th instant, and that it was with considerable astonishment we observed you leave the mess so abruptly. We are unable to say what was the occasion of your doing so. "The Friends of the Army" was proposed as a toast, and we conceived it to be one that would not have been objected to; but as you wished to alter it, and rose from table when it was about to be drank, we conjectured it had given you offence, and that it was on this account you left the mess. So far from observing any pointed disrespect, we did not notice any disrespect whatever shewn "by Lieutenant D. Forbes or Lieutenant Maitland to the dignity of the Governor in Council "and Commander in Chief, in your presence;" and until we see the account you have forwarded on the subject to Head-Quarters, we shall be at a loss to suppose what part of their conduct, on the night alluded to, appeared to you to be exceptionable.

(Signed) By all the Officers present with the mess on the 7th instant.

N. B. The original Letters and Documents, of which the foregoing are true copies, are in possession of an Officer in the garrison, and ready to be shewn to General Malcolm, if required.

(Signed) A. ANDREWS, Capt. M. E. Regiment.
H. KELLY, Capt. 1st Batt^{n} 19th N. I.

(True copies.)
(Signed) JOHN MALCOLM, Lieut. Colonel.

No. 9.

Extract from Lieut. Colonel Malcolm's Journal, containing the substance of a Communication made by him to an Officer of rank and influence at Masulipatam, on the morning of the 18th July 1809.

2. I pointed out to them what must be the consequence of the whole or any part of the Company's Army plunging down the precipice, on the brink of which they were now standing. I exposed the falseness of that confidence on which numbers were proceeding;—how they would be deserted by their brethren and their men when Government was compelled to declare them in rebellion. I pointed out how wretched their means, how unconnected their plans; and demanded, if even they had double the numbers, if they thought, after the chain of discipline was once broke, and when they were commanded by Committees, and every boy thought he possessed the right to question the authority of his superior, whether it was possible to oppose the organized Army, that must, under all circumstances, remain with Government, and which must every day gain strength from their ranks. The whole of the King's Army was, I said, decidedly with Government; and if the last step was taken, many of the Company's Officers, and those probably who had the most influence with the Native Troops (because they were the oldest Officers) would range on the side of Government. I knew this, I said, to be the fact, because I had letters fully expressive of their sentiments, from some of the best and most popular Officers in the Army. I was myself, I said, of that opinion, and proud to state it. I had been in this Army since I was twelve years of age, and such was my regard for my brother Officers, that I would give my life to see the present unfortunate disputes happily adjusted; but if any circumstances whatever led those Officers to rise in rebellion against their King and Country, and such they would do the moment they threw off their allegiance to the legal constituted Authority in India, I must stand in the opposite ranks, and I was convinced so many would be found of the same sentiments, that Government must triumph; though I allowed such a triumph would be one over its own strength, and consequently more mournful than the most signal defeat from a foreign enemy. I added, that I would, for the sake of argument, suppose

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poſe what I conceived impoſſible, that Government was deſtroyed in the conflict, what would be the conſequence of this victory to a few Officers, who had led the Natives of India to the murder of their countrymen, and to the deſtruction of the Britiſh Government? Would theſe Natives allow them to live and rule over them, or would they not be tempted to practiſe for the laſt time the leſſon they had been taught, and get rid at once of a race, whoſe rule they had been taught to conſider as oppreſſive and tyrannical? Suppoſing they did not, would the King and People of England be ready to make peace with men whoſe hands were red with the blood of their Countrymen? Would they not rather, if they did not abandon this quarter of India altogether, attempt its reconqueſt, and to what conſequence would that lead? You ſay, I added, that your grievances are intolerable, and that if you abandon your attempts to obtain redreſs, the Coaſt Army will be diſgraced, while if you perſiſt with firmneſs and ſpirit, Government (which muſt be aware of all the conſequences I have ſtated) muſt give way: To this I anſwer, no grievance of the deſcription this Army now has can warrant its having recourſe to arms, becauſe they are ſuch as muſt come under the cognizance of the controuling and legiſlative Authorities in England, who are alone competent to notice and redreſs them; and this Army, ſo far from being degraded by moderate proceedings at a moment like the preſent, would raiſe its reputation higher than ever, becauſe it would prove to all the world that it poſſeſſed a ſpirit of the higheſt loyalty and patriotiſm; and that when a variety of circumſtances had combined to throw it into a flame, the action of theſe feelings had ſubdued every other, and it was contented rather to ſuffer till the ſuperior Authorities in England could judge all thoſe queſtions on which it thought itſelf aggrieved, than endanger the general intereſt of the Country. Would ſuch ſentiments, I aſked, redound to the diſgrace, or to the honour of this Army?—With reſpect, I obſerved, to the probability of Government giving way, if aſſailed with unanimity, firmneſs, and ſpirit, there was I feared a great and dangerous error: Government could not give way (as it was termed) beyond a certain point without deſtroying itſelf; and it had better fall by any hands than its own. It is the very preſſure, I added, that is brought againſt it that forces it to reſiſtance. And beſides, what are the points which it is required to yield? In the preſent agitated ſtate of the Army, every Committee, every individual, has a different opinion; and if it were poſſible to collect the general ſenſe of the Army, I believe, in their preſent irritated ſtate, conceſſions would be required that would amount to the virtual abolition of the exiſting local Government of this Preſidency. It is no doubt, I obſerved, the duty of Government to take every ſtep that it can take to reſtore temper and to compoſe mens minds; but I, for one, will never blame it for refuſing its conſent to its own death, and ſuch I ſhould conſider any act that made a ſubſtantial ſacrifice of its ſtrength or authority. And as to that Ultimatum, I concluded, pointing to a paper which had come from Hydrabad and was upon the table, I declare to God, I would not ſerve a Government one hour that could yield to ſuch degrading demands.

(A true extract)
(Signed) JOHN MALCOLM,
Lieut^{t} Col^{l} Command^{g}.

Subſtance of a verbal Declaration made by Major Storey.

Major Storey declared to Lieutenant Colonel Malcolm, that he was fully ſatisfied that if Lieutenant Colonel Innes had perſiſted in the plan he had adopted for the coercion of the garriſon, there muſt have been immediate bloodſhed; and he (Major Storey) was aſſured what he knew of the general temper of the Officers of the Company's Army at the moment that ſuch an occurrence, whatever was its iſſue, would have produced an inſurrection againſt the authority of Government in many other quarters. This belief, Major Storey ſtated, was the chief motive that made him take the ſtep he did.

(A true extract)
(Signed) JOHN MALCOLM,
Lieut^{t} Col^{l} Com^{t}.

(True copies)
(Signed) A. FALCONER,
Chief Sec^{y} to Gov^{t}.

Enclosure, No. 13.

To Major Vernon, Military Secretary to the Officer commanding the Army in Chief.

Sir,

YOU are deſired to lay the encloſed Paper before the Officer commanding the Army in Chief for his information, and ultimately that of Government, as the unalterable reſolution of that part of the Honourable Company's force at Hydrabad and Jaulnah.

Hydrabad, 11th July 1809.

To the Hydrabad Committee.

Gentlemen,

It is the firm determination of this Force to afford the Madras European regiment aſſiſtance, and it is their wiſh that this intention ſhould be made known to Government.

Jaulnah, 5th July 1809.

The Committee of the Jaulnah Force.

Approved by the Hydrabad Committee.
Hydrabad, 11th July 1809.

[No. 2. C.]

Enclosure No. 13. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To the Honourable Sir George Hilaro Barlow, Bart. K. B. &c. &c. &c.

Sir,

I do not lose a moment in transmitting to you a copy of a private letter which I have just received from Lieut. Colonel Montresor. The Colonel has written to Major General Gowdie, and has no doubt communicated every circumstance to him.

I have, &c. &c.

Hydrabad, 18th July 1809. (Signed) THOS SYDENHAM.

(Confidential.) To Captain Sydenham, &c. &c. &c.

Dear Sir,

I am sorry to have to inform you, that notwithstanding all I could urge yesterday in a long remonstrance I made to the senior Officers respecting the abuse they made of the power with which they were entrusted, if they persevered in requiring of me to act in opposition to the orders of Government, I have not been able to induce them to alter their line of conduct; I used every argument I could to deter them from what they were about to do. I told them of the mischief that must ensue, of the disgrace that must inevitably attach to them, for conduct, which could be called by no other name than Mutiny, and much more I urged, but urged in vain.

I have now received a letter, signed by the Officers of the force, absolutely refusing to permit my order relative to the march of the 2d battalion 10th regiment being carried into effect, and of course it will be necessary for me to counter-order the march of the corps, to prevent the most serious mischief arising, which would undoubtedly be the case were I to attempt to pursue the measures ordered by Government. When I found all my influence was unavailing in attempting to keep the conduct of the Officers within some bounds of moderation, I was determined the stigma of mutiny, if such it is determined to be, should fall in its proper place; I shall only now say more, that the Officers in their paper profess esteem for me, and their intention of obeying all my orders that are not detrimental to the cause of the Army. You will oblige me by sending by express a copy of this letter, however hastily written, to both Governments, as it will take me some time to make out a full statement of the business.

I have, &c. &c. &c.

Secunderabad, 18th July 1809. (Signed) THOS G. MONTRESOR, Lieut. Col.

To Major General Gowdie, commanding the Army, Fort St. George.

Sir,

The Letter I had the honour to address to you yesterday, will have informed you of the violent resolutions entered into by the Officers of the Honourable Company's service belonging to this force, regarding the march of the 2d battalion 10th regiment; I now inclose you copies of the Papers addressed to me, and a copy of a Letter from me to Major Neale on the occasion, and will state to you what has passed on this subject.

I received a letter from the Quarter-master General of the Army, conveying your orders for the march of the 2d battalion 10th regiment from this station to Goa. On receipt of the order, I communicated the contents to the Resident at this Court, who informed me there was no reason of a political nature to prevent your orders being carried into execution; and on the same day I desired the Deputy Quarter-master General of this force to acquaint Major Hawes, that orders for the march of his corps would be issued, and that the Supreme Government attached an importance to its early arrival at Goa. The next day (the 17th) orders to that effect were issued in Detachment Orders.

In the evening I was waited upon by the Officers commanding corps, to request that I would rescind the orders of the morning. I told them of the impropriety of their even taking such subjects into discussion, and that nothing could be more contrary to their duty than to combine for the purpose of getting me to rescind the orders I had given, in compliance with the instructions I had received; I stated that no discretionary power was left to me, and that were I to yield to their request, my own conduct might be implicated by it. I pointed out, with all the force I could, the disgrace that must fall on them if they persevered in their plans, and that if they combined for the purpose of making me rescind my orders, I could give no other name to their proceedings than Mutiny. I read them their own letter to me, in which they pledged themselves to observe a forbearance; I reminded them of their solemn assurances to me to maintain due subordination, and contrasted their present conduct with those assurances: in short, I urged every thing I could to make them desist from their intentions. The Officers left me, I am sure the greater number, convinced of the truth and justice of my remarks, and I still had hopes I had succeeded; but yesterday I received the Paper conveying their resolutions.

To attempt to force compliance I knew was impossible, whilst I could expect no support but from His Majesty's regiment; and I think under these circumstances, and the critical situation of this force with regard to our suspicious allies, I should have been culpable to have made an attempt at coercion which could only have failed, and indeed done greater mischief.

To express the anxiety of my mind and deep concern on this occasion is beyond my power; but you Sir, will judge of it, and my Superiors will determine if I have acted as I ought.

I shall

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I shall only add, I have seen some Officers to-day, and find my letter to Major Neale has made a strong impression on many; but I fear little is to be expected whilst the minds of Officers are agitated with such ungovernable violence.

I have, &c. &c. &c.

Secunderabad, 19th July 1809. (Signed) THOS G. MONTRESOR, Lieut. Col.

To Lieut. Colonel Montresor.

Sir, Hydrabad, 18th July 1809.

It is with infinite pain that the Officers of this force have at length been driven to the extremity which the enclosed Paper will inform you of. We deprecate any disrespect to you in this transaction, and beg leave to assure you of our unalterable esteem, which you have so well merited since we have had the honour of being under your command; and we beg leave to assure you, that we will still continue to obey all orders received from you which are not injurious to the cause of the Coast Army.

(Signed) The Hydrabad Committee, for the rest of the Officers.

To Lieut. Colonel Montresor, commanding the Hydrabad Subsidiary Force.

Sir,

We the Officers of the Honourable Company's Service, of the Hydrabad Subsidiary Force, having united amongst ourselves, and also united with the whole Army besides, in a resolution to obtain redress of our grievances, the particulars of which have already been laid before Government, deem any attempt to divide us as incompatible with, and destructive of that resolution. We therefore will not consent to the removal of the 2d battalion 10th Regiment Native Infantry, whose assistance may soon be necessary to us, and whose attachment to our cause we are assured of. But we will nevertheless obey all Orders addressed to us by the Officer commanding this force for the interior regulation of its duties.

Hydrabad, 18th July 1809.

(Signed.) Geo. Neal, Major 1st Reg. Cy.—Jn. Campbell, 20th Reg. Cy.—W. Chatfived 20th Reg. Cy.—Cha. Leemah, Capt.—G. Taines, Capt.—E. J. Tates, Capt.—H. Smyth, Cadet.—H. Fraser, Cadet.—A. Molesworth, Capt.—H. Denard, Capt.—J. Harker, Capt.—Geo. Mainsele, Lieut.—W. T. Hill, Lieut.—J. Crosdele, Major.—N. Wildson, Capt.—E. R. Smyth, Lieut.—F. S. Watson, Lieut.—J. Maxmen, Lieut.—S. Welcack, Lieut.—W. Straham, Ensign.—W. J. Darley, Ensign.—T. Bower, Capt.—M. Hawes, Major.—R. Podmon, Capt.—C. Saltwell, Capt.—J. W. Brown, Capt.—C. Herbert, Lieut.—W. Tratten, Lieut.—P. Farquharson, Lieut.—H. A. Howell, Lieut.—Rob. Gray, Ensign.—Chas. Deacan, Major.—P. N. Cuffley, Capt.—R. Agar, Lieut.—W. Petchford, Lieut.—J. A. Lay, Lieut.—R. Simpson, Lieut.—J. Sinclair, Lieut.—E. Botton, Lieut.—H. Holmes, Lieut.—J. A. Condell, Ensign.—R. Sheriff, Ensign.—R. Turran, Ensign.—A. Trevenan, Ensign.—W. Varty, Lieut.—H. Ross, Lieut.—Gerard Leggall, Lieut.—W. F. Ellis, Lieut.—A. Grant, Lieut.—P. Graves, Lieut.—R. Seymoum, Lieut.—J. Moull, Lieut.—J. Armstrong, Lieut.—W. Meally, Lieut.—C. Brown, Ensign.—A. Wilson, Ensign.—A. L. Austin, Ensign.—R. Cozens, Ensign.—C. S. Lynn, Ensign.—G. R. Tolson, Ensign.—C. Farran, Major 21st regiment.—A. Bowdler, Capt.—J. Baxter, Lieut.—H. Heatery, Lieut.—W. Abbey.—Lieut. R. Calvert, Ensign.—S. Smikson, Ensign.—R. Allan, Ensign.—H. A. Thompson, Ensign.

(A true copy) (Signed)

To Major Neale, commanding the 1st Regiment N. C.

Sir,

I have the honour to acknowledge the receipt of a Paper addressed to me, and signed by the Officers of the Subsidiary Force, stating their determination to resist the order for the march of the 2d battalion 10th regiment to Goa. Among the signatures I am concerned to see your name, and your being the Senior Officer, induces me to address you on the subject.

It is scarcely possible for me to describe my feelings on this business; I had indulged the hope that whatever excesses might be committed elsewhere, I should still see this Force unshaken in its duty and firm to its allegiance; that the solemn pledge repeatedly given me by the commanding Officers of Corps to observe a forbearance in their conduct, and to support my plans for the good of the service, and the Subsidiary Force in particular, would never have been forfeited, but it is with deep regret I am obliged to say, that after the act of yesterday, I can no longer look to the commanding Officers of Corps to stand foremost in support of legal authority. They who have been entrusted by Government with command to support the State, have allowed themselves to be carried away with the current of ungovernable opposition, and joined in an act to oppose that Government, which every Law that is binding to them as soldiers and men, required them to uphold.

In saying this, I disclaim all idea that it was ever intended to deceive me; I know too well the character of the commanding Officers of Corps in this Force, to permit such an idea to enter my mind; but having unfortunately once transgressed the bounds prescribed by

military

[No. 2. C.]
Enclosure No. 13. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

military law, they have been imperceptibly led on to the present much to be lamented act.

Often have I stated to the Senior Officers the dangers of discussing the orders of Government, and foretold you, if ever you combined as a body to address the Army or Government, you never would know when to stop, until you had involved yourselves in inextricable difficulties. The truth of this prediction you will now see when it is too late; but should it ever hereafter make one Officer reflect, and warn him of the dangers that result from unlawful combinations, still I shall think I have not made this representation in vain.

You will recollect how repeatedly it has been said to me, that the popular clamour was so great it was not possible to withstand it, and I as often told you, that if the commanding Officers of corps would firmly stand their ground to support subordination in their corps, I would be answerable for the maintenance of discipline in the Force; but the Senior Officers have yielded to the current, and discipline has received a fatal blow.

However just cause I have to be hurt at the conduct of the Force, I shall refrain from all remarks in Public Orders, for when my authority is gone, I fear my censure would be of no avail; and though my feelings as an Officer prompt me to condemn, in Public Orders, the late proceedings, I shall still avoid, as far as I can, giving cause to irritate the feelings of the Officers, and by so doing involve the Government in greater difficulties.

If in what I have said you may think I have expressed myself with harshness, be assured it only results from my wounded feelings, and must not be considered as derogatory of any personal respect to you and the Officers of the Force. I return my thanks for the manner in which the Officers have been so obliging as to speak of me, and feel proud of their favourable opinion; but if I was not convinced that my conduct would be approved of by my Country, nothing could compensate for the loss. It is the consciousness of my own rectitude that now warms and animates my breast, and gives me at this period, when it is difficult to separate my name from the acts of the Officers of the Force, a glow of satisfaction that can be only felt by the man that in the midst of contending parties has faithfully discharged his duty.

(Signed) THO^{s} G. MONTRESOR,
Lieut. Col. Comm^{t}.

Secunderabad.

A true copy.

(Signed) THO^{s} G. MONTRESOR,
Lieut. Col. Comm^{t}.

Enclosure, No. 14.

(Separate and confidential.)

Sir, Hydrabad, 21st July 1809.

YESTERDAY morning I had the honour to receive Lieut. Col. Barclay's private and confidential letter, dated the 15th of July; I lost no time in giving orders for bearers to be stationed as far as Tagapoor, and they will be ready at their different stations by the 29th of this month; I have likewise sent on tents and servants for the convenience of Col. Close, during his journey from Poonah to this place. Calculating upon distance, and the present state of the weather, I do not suppose that Colonel Close can reach Hydrabad before the 3d or 4th August, but I have done every thing in my power to expedite his journey, and to promote his convenience on the road.

I have been in the habit of sending copies of all my confidential papers to Col. Close. He is perfectly acquainted with the proceedings and sentiments of the Officers both at this station and at Jaulna, so that he will arrive at Hydrabad with the most complete information of every circumstance which has taken place in this force, and of the temper and disposition of the Officers.

I shall use every effort to keep matters in their present state until the arrival of Col. Close. It appears to me of the greatest consequence to avoid any extremity, in order that the Colonel, on his arrival, may be at perfect liberty to carry into effect any measure which he may consider best adapted to the complexion of the times.

On the Colonel's approach towards Hydrabad, I shall advance to meet him, for the purpose of furnishing him with all the information I possess, regarding such circumstances as shall have taken place during the period of his journey.

But I cannot venture to flatter myself with the expectation of a favourable change in the state of affairs, before the arrival of Col. Close; the removal of Lieutenant Colonel Montresor, and the appointment of Colonel Close, joined to the orders for the assembling of a Force near the Presidency, which were publickly known in the cantonments yesterday afternoon, have, I understand, increased the prevailing irritation. The Officers seem to despair of any act of conciliation on the part of Government; they consider retreat to be destruction, and that their safety now depends on their union, and on the immediate and vigorous use of the power which they have in their hands.

There are many various and contradictory reports of their probable designs; and as soon as I can ascertain them with precision, I shall lose no time in conveying immediate information to you. I have reason to believe that all the Officers are very vigilant, and have taken every precaution to prevent a surprize. I am persuaded that every motion of Colonel Montresor and myself is narrowly watched; the most trifling party of the 33d regiment cannot leave their barracks without exciting suspicion.

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The disposition of the Native Officers and troops is so delicate a subject of enquiry, that it is difficult to arrive at any certain knowledge on so nice a point; but the information which I have hitherto been enabled to acquire induces me to believe, that, with a very few exceptions, the officers and men of the Native cavalry will obey implicitly all the orders of their own European Officers. Most of the Native Officers and men of the Infantry seem to know a good deal of the situation and designs of their European Officers; and I have reason to believe, that the artillery men will stand by their Officers to the last. It is very evident, that the European Officers themselves feel no doubt of the obedience and attachment of the men under their command. I have indeed heard, that the Native Officers have taken a solemn oath to support the European Officers.

I have, &c. &c. &c.
(Signed) THOs SYDENHAM.

To the Honble.
Sir G. H. Barlow, Bart, K. B.
&c. &c. &c.

(Confidential.) To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I request you will do me the honour to lay the enclosed Papers before the Honble. the Governor in Council; they have been this moment submitted to me by the Senior Officers of the Force, and I promised to forward them, with an earnest request that I may obtain an answer by return of Tappaul. It is by so doing the Officers have pledged me their word to remain quiet till the time I may expect an answer. I have given no pledge whatever in return, but merely told them, I would forward it; and that if I had any influence, it should be exerted in recommending what they propose. It must not be supposed, in consequence of what I am doing, that I am ignorant of what is due to the dignity of Government. I know it well. I know how necessary it is it should be supported to the utmost, in order to enable it to maintain its authority; how incumbent it is on every Officer at this moment to stand forward in defence of the Government, and consequently how unjustifiable have been the late proceedings of the Army; but I also know the dangers to be apprehended, if what is proposed is not acceded to. I am convinced, that the whole of the Army in the Company's service is united in this cause; that the Officers deem the pledges they have given to each other irrevocable; that they are determined to stand by each other to the last; that they have the most perfect reliance on the Sepoys; and that should there ever be a contest, whatever may be the result of it, it will be the death-blow to the country. It is my opinion (and I hope at this momentous crisis I may be permitted to give one) that Government will best shew its dignity by yielding to necessity; and that by a timely concession, they may prevent a sanguinary conflict, which must involve the ruin of the State.

Secunderabad,
21st July 1809.

I have, &c. &c. &c
(Signed) THOs G. MONTRESOR,
Lieut Colonel.

To Lieut. Colonel Montresor, commanding the Hydrabad Subsidiary Force.

Sir,

The undersigned Officers commanding corps in the Hydrabad Subsidiary Force, in behalf of themselves and their Officers respectively, most anxious to avert the dreadful calamities immediately impending, earnestly intreat you, Sir, to convey to Government the enclosed Proposition of measures, which, if adopted by them, we are well assured, Sir, will effectually restore that state of order and tranquility so much desired at this fatal crisis. We exhort you, Sir, to recommend it most strongly to their attention. We, unequivocally on our part, most solemnly pledge ourselves to be satisfied with the concession of Government to the above-mentioned Propositions; that we will most strenuously recommend the same to the rest of our brother Officers in the other divisions of the Army; and we have no doubt, from the general confidence they have placed in this Force, that they will most readily concur with us.

We have, &c. &c. &c.
(Signed) Geo. Neile, Major 1st Rt N. C.—J. Crosdere, Major.—H. Masey, Major 5th N. I. W. Hawes, Major 10th Regt.—Chas Deacon, Major 15th Regt.—Chas Farran, Major 21st Regt.

Secunderabad,
21st July 1809.

Hydrabad, 21st July 1809.

1st. The rescindment of the General Orders of the 1st of May last, to be acknowledged and published by Government in the same manner as the Order itself.

2d. The restoration of every Officer who has been removed from his situation or suspended the service, to the service and his situation.

3d. The trial of Lieutenant Colonel Innes, by a General Court Martial, for his general conduct at Masulipatam while in command of the Madras European regiment.

4th. The removal of those Officers on the General Staff from their situations, who advised Government to prosecute the measures which have caused the present commotion in the Army.

5th. A general Amnesty, to indemnify the proceedings of the Coast Army in the measures they have been gradually led into, and ultimately forced to adopt.

N. B. Modification of the 4th Article, as inserted in the original document circulated throughout the other divisions of the Army.

4. It is earnestly requested and recommended, that the Officers on the General Staff, who

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by their conduct have forfeited the confidence of the Army, be removed from their stations.

This Ultimatum having been made public to the reſt of the Army, and ſome modifications and alterations having been now made in it;

The Hydrabad Force can only anſwer for themſelves; but they entertain every favourable hope, and will ſtrenuouſly recommend to their brother Officers of the other diviſions, to acquieſce in this Ultimatum as it now appears.

Hyderabad,
21ſt July 1809.

To the Honourable Sir Geo. H. Barlow, Bt K. B. &c. &c. &c. Fort St. George.

Honourable Sir,

Para. 1. Lieutenant Colonel Montreſor has furniſhed me with a Copy of his confidential Letter to Lieutenant Colonel Barclay, of this day's date; together with Copies of the two Papers which accompanied that Letter.

2. Whatever be the reſolution of Government upon the propoſals which have been made by the Officers of this Force, one manifeſt and important advantage has been gained, by checking their immediate proceedings, by affording to the Government diſtinct and preciſe information of the demands and expectations of the Officers, and by allowing Government an opportunity of deliberating upon the moſt eligible mode of action in the preſent awful criſis of affairs.

3. As the Government appears to attach conſiderable importance to the appointment of Colonel Cloſe to the command of the Subſidiary Force, another advantage has been gained by enſuring the tranquillity of the force until the arrival of that Officer at Hydrabad; the ſituation of affairs cannot be worſe than it is at preſent, and the delay which has been ſecured by the preſent reference to your authority, will repreſs any further extremities till the arrival of Colonel Cloſe.

4. Upon theſe grounds, it appears to me that Lieutenant Colonel Montreſor was perfectly juſtified in receiving, and ſubmitting to your conſideration, the propoſitions which have been made through him by the Officers of this Force. He has not committed the Government by granting any pledge, or holding out any expectation to the Officers; but he has received a ſolemn promiſe on their part to abſtain from any further proceedings until the pleaſure of Government ſhall be made known to them. In this point of view, I conceive, that Colonel Montreſor has rendered an eſſential ſervice to his Country.

With reſpect to the nature of the Propoſals, I do not conſider myſelf at liberty to offer any obſervations upon them; although I have received no information of the ſentiments of Government upon the late proceedings of the Officers, I can infer that it regards every meaſure of conceſſion or conciliation towards the Army as incompatible with the ſupport of its dignity and authority. To me the queſtion appears to turn upon the option between a conceſſion to the demands of the Officers, and the certainty of a general inſurrection throughout the Army. It will remain for the Government, in its wiſdom, to decide upon the choice between thoſe two dreadful alternatives. From all the information which I have been able to procure, I am firmly perſuaded that an inſurrection will take place, if the Propoſitions contained in Colonel Montreſor's Letter be rejected; but whether thoſe Propoſitions be accepted, or rejected, I conceive it to be of the greateſt importance to give an immediate and deciſive anſwer to them.

I have, &c. &c. &c.
(Signed) THOs SYDENHAM,
Reſident.

Hydrabad,
21ſt July 1809.

(Private and confidential.)

Sir, Hydrabad, 23d 1809.

I have ſeriouſly reflected upon the preſent awful criſis of affairs; I have given the ſubject all the attention in my power; and I have loſt no opportunity of procuring the moſt complete and preciſe information of the feelings of the Officers, and of their ultimate deſigns. There is no perſon who is better acquainted than myſelf with the nature and extent of the calamities which menace us, or who has a more exact conception of the ruinous conſequences that muſt inevitably follow the purſuit of thoſe deſperate meaſures which the Officers are prepared to undertake. I am convinced, that the moſt ſolemn and binding pledges and promiſes of mutual ſupport and aſſiſtance have been interchanged through all parts of the Company's Army; that the Officers are prepared to ſacrifice their lives in the ſupport of that dreadful cauſe in which they are irrevocably engaged; they foreſee the ruin and deſtruction in which they are about to involve themſelves and the State, but they have calmly and deliberately reſolved to meet that ruin and deſtruction, rather than forſake thoſe ſolemn promiſes which they have given and received,

At the ſame time, I am well convinced that the majority of them are deeply affected with the preſent deplorable ſtate of affairs, and that they are ſolicitous and anxious to avoid a dreadful and unnatural conflict againſt the eſtabliſhed authority of Government. But they conceive their ſituation to be deſperate, and that ſubmiſſion would be followed by inſtant deſtruction. They are perſuaded that they have advanced too far to retreat with either ſafety or honour to themſelves. Every paſſion which can agitate the human breaſt impels them

[No. 2. C.]

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them forward; and their only consolation is, the expectation that the ruin which awaits them will extend to those by whom they consider themselves injured. I am aware that my language is plain and strong, but it is the language of truth. I conscientiously believe that I have given you an exact description of the feelings of the Officers.

I assure you, that I have done every thing in my power to moderate and repress the feelings which I have described; but the voice of reason is feeble in a contest against the passions, and the remonstrance of any individual can have little influence over the agitated feelings of a whole Army.

In the circumstances in which I am placed, I have thought it my especial duty to communicate, unreservedly, to you and to Lord Minto, all the information which I could obtain. I am too conscious, Sir, that neither my talents, my age, my experience, nor my services, entitle my opinions to any weight or consideration with those who are so much more capable of deciding upon the momentous question before them; I have therefore not presumed to offer any opinion, but I conceived that a knowledge of facts might be useful to those whose province it is to decide; and I thought it would be equally unpardonable in me to withhold or to disguise any fact which came to my knowledge.

During the present course of our affairs, I have received all possible assistance from Lieut.-Colonel Montresor, whose discretion, judgment, and conciliatory conduct, both on his public proceedings and personal demeanor, have produced the happiest effects, and appear to me to deserve the highest commendation. Those persons who are acquainted with some circumstances (which it is unnecessary and would be disrespectful to obtrude upon your notice) must be convinced that in saying what I have done regarding the conduct and proceedings of Colonel Montresor, I can be actuated by no other motive than to render justice to the services of an honourable Gentleman and a meritorious Officer.

I have already taken the liberty to declare my sentiments respecting the advantages of the respite which has been obtained, by a reference to your authority of the proposals from the Officers of the Army. Without presuming to offer any opinion upon the nature of those proposals, I conceived that a great advantage had been gained by arresting the progress of destruction; and though it should only be for a fortnight, I considered that the delay of a fortnight was inestimable, when every day and every hour were of value. It is upon these grounds that I venture to solicit your attention to the following suggestions, which, whatever be the ultimate result of them, promise at least a further respite from danger.

In conversing with some Gentlemen respecting the nature and extent of the Proposals which have been submitted to your consideration, I have pointed out the difficulty of making any concessions that not only may be judged inconsistent with the dignity and authority of Government, but which it may be now out of your power to make without the sanction of the Governor General in Council, by whom the measures of the Madras Government have already been approved and confirmed. His observation led to a discussion from which I am induced to hope that some advantage may be derived, from a reference to the authority of the Supreme Government. It appears to me, that the Officers would take no further steps in the prosecution of their present designs until an answer should be procured from Fort William, provided they were assured that the Madras Government would not in the meantime take any measures to break the present combination, either by the employment of actual force, or by any movement of the King's Troops towards them. The Officers are so suspicious and jealous of every act of Government, that they feel alarmed lest the Government should take advantage of the delay produced by reference to Fort William, to counteract their present designs, and to diminish their present strength; they are certainly prepared to throw off all obedience to the Government of Madras, but they would probably be willing to refrain from so desperate and extreme an act, provided they were assured that a reference would be immediately made to the Supreme Government, and I think it more than likely that they would remain tranquil until an answer to that reference shall have been received: such an arrangement, if it were adopted, would be productive of a further delay of six weeks.

In order that I may not be misunderstood, I will take the liberty to state the arrangement to which I allude, in a distinct and precise form.

1. If the Government of Madras does not consider itself at liberty to revoke its orders, or to make any other concession, without a reference to the Supreme Government which has sanctioned those orders, and if the Madras Government will condescend to refer the subject to the consideration of the Supreme Government, the Officers of the Army will remain tranquil until an answer be procured from Fort William.

2. In the above case, it is expected that the Madras Government will take proper means to communicate to the Officers its intention of referring the subject to the consideration of the Supreme Government.

3. But the Madras Government in the meantime is not to adopt any hostile measures against the Officers, or they will be compelled, in their own defence and for their own safety, to resort to their present designs.

4. The Officers will not relax in any measures which they may have concerted, to prepare for an ultimate appeal to arms, in case their overtures be finally rejected, either by the Madras Government or the Supreme Government.

I have ventured to state the arrangement in a precise form, in order to guard against any misconception. But the object of the arrangement is, that circumstances may remain exactly in their present state until the pleasure of the Governor General be made known to the Army.

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It is proper that I should observe, that the arrangement does not come in the shape of Proposals from the Officers. It has occurred to myself as a mode of procuring a further respite from the instant danger of a general insurrection, and I am induced to believe that it would have the effect of tranquillizing the minds of the Officers for the present, and of leading gradually to some plan of reconciliation between the Government and the Army.

I take this opportunity of acquainting you, that I have ascertained that the report of the Native Officers having sworn to follow their European Officers, is without foundation. I have been assured that the commanding Officers of Corps have hitherto made no attempt to debauch the minds of the Native troops, and that they do not intend to communicate any part of their designs to the Natives, unless some attempt be previously made to detach the Natives from their European Officers. If any proceeding of that nature be attempted, it is probable that the Officers will immediately communicate their designs to the Natives under their command. In the meantime, they feel no doubt of the perfect obedience and attachment of their men.

I have the honour to be, with great respect, Sir,
your most obedient humble servant,
(Signed) THOS SYDENHAM.

To the Honourable
Sir G. H. Barlow, Bart. K. B.
&c. &c. &c.

Fort St. George.

Enclosure, No. 15.

Sir, Fort St. George, 28th July 1809.

I AM directed by the Honourable the Governor to acknowledge the receipt of your Letter of the 23d instant, and to convey to you his thanks for the full and unreserved manner in which you have detailed the situation of affairs, and the prevailing sentiments among the Company's Officers at Hydrabad.

Sir George Barlow desires me to acquaint you, that it is the firm and unalterable determination of Government not to compromise the public authority in the slightest degree: any such compromise would lead to evils of the greatest magnitude, which would be irremediable.

I have also received Sir George Barlow's commands to transmit to you a copy of a Letter addressed by the Chief Secretary to Government on the 26th instant, to Colonel Wilkinson, commanding the Southern Division of the Army, copies of which, modified according to local circumstances, were forwarded in the same day to Commanding Officers of the other Divisions, with a copy of a Letter to Colonel Close, empowering him, under certain restrictions, to adopt similar measures with regard to the Hydrabad force.

I am also directed to transmit to you copy of a Letter to the Officers Commanding Divisions, dated the 27th inst. detailing the manner in which those measures were carried into effect at the Presidency and in the Camp near the Mount.

Sir George Barlow leaves it to your discretion to carry the same measure into execution at Hydrabad and Jaulnah, in concert with Col. Montresor, and under the restrictive modifications prescribed to Col. Close, or to wait the arrival of that Officer.

No improper effect can be produced on the just authority of the European Officers over the Native troops by the execution of the orders in question.

It is not necessary or expedient that the Company's Officers should possess such an influence over the Native troops as would enable those Officers at all times to influence the men to take arms against the Government; and the Governor is persuaded that the Officers possess no such influence. This conviction is strengthened from the information contained in your letter of the 23d inst. that the Officers at Hydrabad and Jaulnah have not yet disclosed their criminal views to the Native troops.

If the Native troops could be brought to forget their duty to the Government, they will soon lose sight of their duty to their Officers, who derive their authority from the same source.

The only solid foundation for general subordination and good order is, that each class of the servants of the State should be fully apprized of the relation in which they stand to the State and to each other, and that each should be distinctly informed of the duties of their respective stations as prescribed by the laws of Government.

The Native Officers of all the corps at the Presidency and in the camp near the Mount, instantly recognized these obvious principles of duty at the same moment, without any previous communication having taken place between the corps at the two stations, and unanimously declared that they would obey no orders but those of the Government, or of the Officers whom the Government might appoint to command them. It cannot be doubted therefore, that the Native Officers of the corps at Hydrabad and Jaulnah will also be influenced by the same principles, and act according to them, when properly informed of the nature and proceeding of the views of the Company's Officers at those stations. Not danger therefore, but real security to the public interests, must result from furnishing the Native Officers of the Hydrabad Force with the explanations communicated to the rest of the Native Army; and it cannot be doubted but both the Native Officers and men of that Force will recognize the authority of Government in whatever orders may be issued to them

by

by Col. Montresor, whom they know to be the Officer appointed by the Government to command them, and to be the depository of its authority. [No. 2. C.]

I have the honour to be, &c.
(Signed) R. BARCLAY, Military Secy.

Captain Sydenham, &c. &c. &c.

Enclosure No. 15. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To Captain Sydenham.

Sir, Fort St. George, 29th July 1809.

In addition to my Letter of the 28th inst. I am directed by the Honourable the Governor to desire, that, in the event of your not deeming it advisable to act upon his instructions of the 26th inst. in consequence of the near approach of Col. Close, or other cause, you will be particularly careful not to allow those instructions to transpire.

In the event of your determining to carry the instructions into effect, Sir George Barlow is persuaded that you will afford to Lieut. Colonel Montresor every assistance in your power in communicating the necessary explanations to the Native Officers, either by accompanying him to the Parade for that purpose, or in any other manner that may be deemed effectual.

(True copies.)
(Signed) A. FALCONER, Chief Secy to Govt.

Enclosure, No. 16.

(Confidential.)

Dear Sir, Secunderabad, 11th July 1809.

I HAVE much regret in being under the necessity of laying before you the copy of a Correspondence between Lieutenant Colonel Doveton and myself, relative to an Address which he has requested me to forward through you to the Governor General.

Lieut. Colonel Doveton's communication of the 6th instant, is the first I have received from him of any nature indicative of the sentiments of the Officers at Jaulna; though I have long had reason to suspect they have been far from moderate. I fear my representation is not likely to be attended with the effect it ought to have, in which case it will be necessary for me to forward the address in a public and official shape. I wished however, in the mean while, to make you acquainted with the temper of the Officers, and trust you will approve of what I have done.

I have the honour to be, dear Sir,
Your faithful and obedient Servant,
(Signed) THOS G. MONTRESOR.

To Major General Gowdie, &c. &c. &c.

(Copy.)

To the Officer commanding the Hydrabad Subsidiary Force, Secunderabad.

Sir,

I have the honour to transmit you by express, an Address which has been delivered to me by Officers commanding corps and detachment of the force at Jaulna, to the Right honourable the Governor General in Council, to be laid before the Governor of Fort St. George, through the Officer commanding the Army in Chief.

(Signed) J. DOVETON,
Jaulnah, 6th July 1809. Lieut. Colonel commanding Detachment in Berar.

P. S. I have likewise forwarded a copy of the Address to the British Resident at Hyderabad.
(Signed) J. DOVETON, Lieut. Col.

(Copy.)

To Major General Gowdie, commanding the Army in Chief, Fort St. George.

Sir,

I have the honour to report for your information, that on the morning of the 5th instant, I was waited on at my quarters by the Officers commanding corps and detachments of the force under my command, with the accompanying Address to the Right honourable the Governor General in Council, and which I have deemed it absolutely necessary to transmit by express to the Officer commanding the Subsidiary Force at Secunderabad, in order to be submitted, through you, to the Honourable the Governor in Council.

I have been induced to this measure, both from the conviction of *my* own *mind* that I should have been guilty of dereliction of my duty had I omitted to do so, as well as from the observations which I have been able to make of the present ferment produced in the minds of the Officers composing this detachment, by the recent occurrences in the Northern Division of the Army.

For my own part, Sir, I most anxiously implore the Honourable the Governor in Council to abstain from further acts of severity and irritation, lest a scene too horrid for the mind of man to contemplate should be the consequence!!!

It is my thorough acquaintance with the disposition of the Natives of this country, as well as the impression of events but too recent, have forced the above sentence from me, and for which, requesting your excuse,

I remain with respect and esteem,
Your very obedient Servant,
(Signed) J. DOVETON, Lieut. Col.
Commanding a Detachment in Berar.

Jaulnah, 6th July 1809.

[No. 2. C.]

Enclosure No. 16. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

No. 4.

To Major General Gowdie, commanding the Army in Chief.

Sir,

We have the honour to enclose an Address, signed by all the Officers of the corps under our charge, and have to request you will have the goodness to forward it to the Right honourable the Governor General in Council.

M. Stewart, Major, 2d battalion 17th regiment.—J. Pollock, Captain, 12th regiment. J. L. Lushington, Captain, 4th regiment, N. C.—G. M. Gibson, Captain, 1st battalion, 10th regiment.—C. Hopkinson, Captain Com^{y} Artillery.—J. W. Poignand, Captain L^{t} Horse Artillery.—A. M^{c}Leod, Captain of the 8th N. C.

Jaulnah, 6th July 1809.

(Copy.)

To the Right honourable Lord Minto, Governor General in Council, &c. &c. &c.

My Lord,

We the undersigned Officers of that part of the Hyderabad Subsidiary Force serving in Berar, have for a long time viewed with deep concern the extreme acts of power of the Governor of Fort St. George, under the conviction that if such violent measures were persisted in, they must be attended with the most fatal consequences to the British interests in India.

The Governor of Madras, notwithstanding he must be well aware of the general sentiments of the Coast Army, has continued to adopt measures the most unadvisably oppressive, and uncalled for.

Animated with loyalty, and possessing the most unbounded attachment to our country, we conceive it absolutely necessary no longer to defer addressing you, and to intreat that you will immediately repair to the Presidency of Fort St. George, in order by your presence, and an accurate investigation of the causes of complaint on the part of the Coast Army, to check the evils that have already arisen, and those which must necessarily follow, by a perseverance on the part of Government in its present measures.

You must, my Lord, be already acquainted to what a desperate extremity this conduct has driven the Northern Divisions, and we earnestly request your Lordship to be convinced of our positive and unalterable sentiments on that head, and beg you will not consider this as an unavailing observation, but as the resolution of free-born Britons.

We cannot however for a moment doubt that your Lordship will, by your immediate presence, relieve us from the intolerable evils which threaten us, and restore that subordination in the Coast Army, for which it has ever been renowned, and which nothing but the impolitic and unnecessary system of oppression that has lately been introduced, could ever even have shaken.

We are fully aware of the responsibility, as well as of the important interests confided to our care, from our peculiar situation on the frontier, and therefore consider ourselves bound not to lose sight of these important objects unless driven to the last extremity; and we accordingly again intreat you to proceed to the seat of Government on the Coast, and, in your wisdom, adopt such measures as may appear to your Lordship most likely to restore order, and banish that discontent which now pervades the Army at large.

Jaulnah, 5th July 1809.

(Signed) G. W. Poignand, Capt. Lieut. Horse Artillery.—J. Palmer, Capt. Lieut.—B. Proctor, Lieut.—E. Duffield, Lieut.—E. S. Munro, Lieut.—D. Ainslee, Surgeon.———4th Regiment Cavalry: H. Lushington, Capt.—A. M. Davidson, Capt.—G. J. Gillispie, Capt.—Robert Palin, Lieut.—T. Darke, Lieut.—J. Meredith, Lieut.—W. J. Erskine, Cornet.—A. Fotheringham, Cornet.—George Monquery, Cornet.—W. O'Brien, Cornet.—T. Greenhill, Cornet.—W. Hamilton, Cornet.—E. E. Duckenfield, Cadet.—A. Johnson, Assistant Surgeon.———8th Regiment Cavalry: A. M'Leod, Captain.—C. W. Bell, Lieut.—W. Brown, Lieut.—H. Jones, Cornet.—H. Smith, Cornet.—C. Temple, Cornet.—W. Greaves, Cornet.—J. Lion, Cornet.—T. D. Burnet, Lieut.———12th Regiment: T. Pollock, Captain.—J. Henry, Lieut.—J. Morgan, Lieut.—P. Robertson, Lieut.—H. Reid, Lieut.—C. Wilson, Lieut. and Adjutant.—E. Convey, Capt. Lieut.—G. B. Grant, Capt.—J. W. Starr.—C. W. Mackintosh, Ensign.—A. Chambers, Lieut.—M. Hall, Ensign.—J. Jones.—J. Wakefield, Ensign.—H. Cunningham, Lieut.———2d Battalion, 17th Regiment: M. Sterrack, Major.—J. D. Greenhill, Captain.—W. Preston, Captain.—J. Wahal, Captain.—J. M. Lucas, Capt. Lieut.—J. Ogilvie, Capt. J. Warburton, Lieut.—G. Willie, Assistant Surgeon.—J. Homby.—J. M'Cornick, Lieut.—J. Hodgson, Lieut.—J. Crickton, Lieut.—T. Heygins, Lieut.—J. Jackson, Lieut.—J. Williams, Ensign.—W. Hodge, Ensign.—B. Tombs, Ensign.—J. Tood, Ensign.———10th Regiment:—J. M. Gibson, Captain.—H. J. Jourdan, Lieut.—H. Walker, Lieut.—J. H. Homille, Capt. Lieut.—W. Slatcar, Ensign.—Owen Jones, Ensign.—W. E. Cornorll, Assistant Surgeon.—J. Friswar, Lieut.—J. English, Lieut.—W. Richardson, Lieut.—W. Shaw, Ensign.—E. Storer, Ensign.—R. Bell, Lieut.—C. Hopkinson, Capt.—H. M. Cooper, Lieut.

To

[No. 2. C.]

Enclosure No. 16. in Gen. Lett. Sec. Dep. to Sep. 1809.

To Lieutenant Colonel Doveton, commanding Detachment Subsidiary Force in Berar.

Sir,

I have the honour to acknowledge the receipt of your Letter of the 6th instant, enclosing a Letter to the Officer commanding the Army, and an Address to the Right honourable the Governor General, from the Officers under your command at Jaulnah. I cannot express to you the concern I feel at being requested to forward that Address; and though I shall always esteem it my duty to make known the sentiments of so respectable a body of Officers, it would be a neglect of my duty, and shew a want of attachment to my Country, if I did not in the first instance endeavour to prevail upon the Officers at Jaulnah to recal a paper likely to be attended with the worst consequences, and calculated to hurt the cause which they are so zealous to prosecute.

I am further induced to delay the forwarding of the Address, because, at the time it was written, the Letter from the Right honourable the Governor General in Council to the Governor in Council at Fort St. George, could not have been received at Jaulnah.

That Letter carries such strong conviction with it to every dispassionate mind, points out so forcibly, and with such irresistible argument, the conduct for the Army to pursue, that I am persuaded, when the Officers read it, and coolly reflect upon it, they will see how incumbent it is upon them to suppress any irritated feelings, and wait for the decision from those Authorities which alone are competent to decide upon them.

When the Address was forwarded from Jaulnah, the Officers could not have known that the Government of Madras had taken such steps as were most likely to quiet the public mind, in consequence of the unpleasant state of affairs at Masulipatam. Lieutenant Colonel Malcolm, whose sound sense, knowledge of the Army, and conciliatory manners, peculiarly qualified him for the difficult task of allaying the ferment in the N. D. of the Army, has already arrived at Masulipatam, and a Committee has been ordered to enquire into the late occurrences, composed of three Officers among the most popular in the Army; therefore I am sure the Officers of Jaulnah will see the bad effects of forwarding an Address at this moment, of any nature whatever, as it could only tend to add to the irritation of the public mind.

If Officers have any grievances they should shew it by their moderate conduct, and by their adherence to order and the laws of their Country that they are entitled to redress, and not force Government by any violent acts to adopt measures of severity, which must be so painful for it to pursue.

They must see it is impossible the ferment can subside whilst Address after Address is forwarded; and that it is by moderation, forbearance, and trusting to the justice of their Country, that they can best shew their real attachment to it.

There can be no Officer more deeply interested in the honour of this Force than myself, therefore I hope the Officers at Jaulnah will do me the justice to believe, I never should recommend the adoption of any line of conduct but what I know to be most conducive to their credit and honour; and I earnestly entreat of them not to pursue measures which must tend to prevent the very conciliation of which they are so desirous.

If, unfortunately, this representation should have no effect, but be disregarded, I shall then (however reluctantly) forward the Address you have transmitted to me, for the Governor General.

Secunderabad,
10th July 1809.

(Signed) THOS G. MONTRESOR,
Lieut Col.

Dear Sir,

Secunderabad, 18th July 1809.

I enclose you the copy of a Letter I received this morning from Lieutenant Colonel Doveton. That there is a general pledge and combination of Officers throughout the Army to support each other, I am firmly convinced, but to what extent I cannot say; therefore, lest I might err in my opinion, I think it right merely to give Colonel Doveton's Letter, without comment.

I have the honour to be, dear Sir,
Your faithful and obedient servant,
(Signed) THOS G. MONTRESOR.

To Major General Gowdie,
&c. &c. &c.

(Secret.)

Copy of a Letter from Lieutenant Colonel Doveton, to Lieutenant Colonel G. Montresor, commanding Subsidiary Force, Secunderabad.

Sir,

Since forwarding you my Dispatch of yesterday, I have, by an extraordinary occurrence, obtained undoubted information that the Officers of the Subsidiary Force at Secunderabad, as well as Jaulnah, have pledged themselves in the most solemn and irrevocable manner to march to the support of the Officers at Masulipatam, should Government attempt to employ force against them.

Let me conjure you therefore, Sir, to lose no time in communicating this circumstance to Government, in order that those dreadful evils, which in such case must unavoidably be the result, may be avoided by their wisdom and forbearance.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. DOVETON,
Lieut Col Comms Detach in Berar.

Jaulnah,
7th July 1809.

[No. 2. C.]

Enclosure, No. 17.

Enclosure No. 17. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir, Fort St. George, the 14th July 1809.

You will no doubt have received information of the ſtate of inſubordination which prevails among the Officers of the Hydrabad Subſidiary Force, and it would be altogether ſuperfluous to detail to you the conſequences which muſt reſult, both to our foreign and domeſtic intereſts, unleſs good order is ſpeedily reſtored in that branch of the Army. In the full confidence, that on this occaſion of extreme emergency, you will cheerfully afford us the aid of thoſe talents to which your Country is already ſo deeply indebted, this Government has appointed you to the command of the Subſidiary Force ſerving with his Highneſs the Nizam; and it is my earneſt requeſt that you will proceed to Hydrabad with all practicable diſpatch, making ſuch arrangements as you may judge adviſable for the diſcharge of the duties of the Reſidency at Poonah during your abſence.

I feel confident that the weight of your perſonal character and influence will contribute moſt eſſentially to reſtore the European Officers to a proper ſenſe of their duty. At all events, your preſence with the Force will afford a certain ſecurity for the fidelity of the Native Troops, and thus deprive the European Officers of all means of proſecuting the criminal deſigns, which, I am aſſured, they have in contemplation.

I have apprized the Right honourable the Governor General in Council of this call on you for your ſervices, and I anticipate with the fulleſt confidence his entire approbation of the meaſure.

(Signed) G. H. BARLOW.

To Colonel Cloſe.

Sir, Fort St. George, 15th July 1809.

Since cloſing my Letter to you of the 14th inſtant, I have judged it to be adviſable to ſuggeſt to the Right honourable the Governor General in Council, the expediency of appointing you to the command of both the Poonah and the Hydrabad Subſidiary Forces, until the preſent agitation in the Army has ſubſided; and alſo to veſt you with powers to exerciſe a general controul over public affairs at both Reſidencies, in the event of circumſtances occurring which may, in your opinion, render it adviſable for you to make uſe of thoſe powers.

(Signed) G. H. BARLOW.

To Colonel Cloſe,
&c. &c. &c.

My dear Sir, Fort St. George, 15th July 1809.

I am directed by Sir George Barlow to acquaint you, that by the poſt of this evening he will ſend you a Letter to the Officer commanding His Majeſty's 34th regiment at Bellary, which is nearly a thouſand ſtrong, to march immediately to Hydrabad on his receiving directions from you for that purpoſe.

In the event of your forwarding the order to the Officer commanding the regiment, Sir George Barlow requeſts you will ſend notice of it to the Officer commanding in the Ceded Diſtricts, who may happen to be at a diſtant part of the diviſion.

Sir George Barlow will tranſmit to you without delay, copies of all the Papers relating to the exiſting Military diſcontents, and will keep you regularly adviſed of all occurrences of which it may be neceſſary you ſhould be informed.

He will conſider himſelf extremely obliged to you if you will communicate to him your ſentiments privately, without reſerve, on all points connected with the preſent Military diſcontents.

Sir George Barlow has written to the Reſident at Hydrabad, to place bearers and tents on the road, and in ſhort, to make ſuch arrangements as will facilitate your early arrival at Hydrabad with the leaſt poſſible inconvenience to yourſelf.

I have the honour to be, &c.

Colonel Cloſe. (Signed) R. BARCLAY,
Military Secretary.

(Private and confidential.)

Sir, Fort St. George, 15th July 1809.

Sir George Barlow has deſired me to acquaint you, that conſiderations of the greateſt importance to the public intereſts have determined the Governor in Council to appoint Colonel Cloſe to the command of the Hydrabad Subſidiary Force; Lieut. Colonel Montreſor will remain in the command of the Force until the arrival of Colonel Cloſe.

The Governor deſires, that in the event of circumſtances occurring to render ſuch a meaſure neceſſary, you will adopt the proper ſteps, in concert with Colonel Montreſor, for informing the Officers and troops of the Native corps of the conduct and proceedings of the European Officers, and prohibit them from obeying any orders from their European Officers which may be contrary to their duty and allegiance to the Government, or to the Orders of Lieut. Colonel Montreſor.

Colonel Cloſe has been requeſted to proceed to Hydrabad with all practicable diſpatch, and in order to facilitate his arrival there with the greateſt poſſible convenience to himſelf,

Sir

[No. 2. C.]
Enclosure No. 17. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir George Barlow has desired me to request that you will post palankeen bearers, and have tents sent on to different stations on his route for his accommodation.

The Governor desires me to acknowledge the receipt of your Letter of the 5th instant.

(Signed) R. BARCLAY,
Mil^{y} Sec^{y}.

To Capt. Sydenham,
&c. &c.

To Lieut. Colonel Montresor.

Sir,

Considerations of the highest importance to the public interests have determined the Governor in Council to appoint Colonel Close to the command of the Subsidiary Force at Hydrabad. It is the wish however of Sir George Barlow, that you should retain the command of the Force until the arrival of Colonel Close.

Sir George Barlow desires me to assure you of the high sense which he entertains of your merits and services, and to acquaint you that it is his intention to take an early opportunity of appointing you to another command.

I have the honour to be, &c. &c. &c.

Fort St. George,
15th July 1809.

Sir, Fort St. George, 15th July 1809.

Since I had the honour to address your Excellency on the 12th instant, I have received further authentic information, which leaves me no room to doubt that plans are forming by the disaffected British Officers of the Company's Army of this Establishment, for the subversion of the authority of the Government by open force. I beg therefore earnestly to solicit that your Excellency will be pleased to assist us with all the European force, in Infantry and Artillery, which you may be able to spare from the service of your Government, and that you will, with all expedition, dispatch as many of the troops directly to Fort St. George as you may have the means of conveying to that place.

I have already acquainted your Excellency that ships of war and other vessels, sufficient for the conveyance of a complete regiment, will be dispatched immediately to Trincomallee, to receive such troops as your Excellency may be able to furnish from that garrison.

With that assistance from your Excellency, added to the means already in my power, I entertain not a doubt of being able to frustrate these criminal designs, and to maintain the dignity and authority of the Government unimpaired.

(Signed) G. H. BARLOW.

His Excellency Lieut. General the Right Honble.
Thomas Maitland.

(Secret and confidential.)

To Officers commanding Divisions.

I am directed by the Honble. the Governor to acquaint you, that the information before the Government, together with some events which have recently occurred, have convinced him that proceedings, tending to the subversion of the authority of the Government, have been in agitation amongst a considerable part of the European Officers of the Company's Army under this Presidency; and that a course of vigilant and vigorous measures is indispensably necessary to prevent the fatal evils which the prosecution of that plan would inevitably produce.

I am accordingly directed to desire that you will employ the most effectual measures to maintain the order and discipline of the Company's troops under your command, to check the circulation of opinions and reports unfavourable to the Government, to prevent any acts of open or secret insubordination against its authority, to prevent any movement of troops without proper authority, and particularly to prevent the minds of the Native troops from being influenced by the sentiments of dissatisfaction there is reason to believe prevail among many of the European Officers. The Government are determined to prosecute a course of the most decided measures for the maintenance of their authority. More detailed instructions will be communicated to you without any delay. And in the mean time, I am directed to request that you will report to me confidentially, for the information of Sir George Barlow, on the state of the troops under your command, and employ your discretion in adopting such measures as you may consider necessary for the purpose of securing their obedience and discipline.

(Signed) R. BARCLAY,
Mil^{y} Sec^{y}.

(Secret and confidential.)

Sir, Fort St. George, 21st July 1809.

I am directed by the Honourable the Governor to request that you will make the necessary arrangements with the Dewan of his Highness the Rajah of Mysore, for assembling, with the utmost possible expedition, 2,000 of the Mysore cavalry at Clasepett, equipped in the most efficient manner, and placed under the command of the most approved Officers of that Government, and to be held at the disposal of Lieut. Colonel Davis commanding the Forces in Mysore.

Sir George Barlow has further directed me to acquaint you, that the Government is very much in want of 200 horse, of an age and size fit for immediate service with dragoons; and

[No. 2. C.] Enclosure No. 17. in Gen. Lett. Sec. Dep. To Sep. 1809.

to request that you will use your endeavours to prevail on the Dewan to collect, with the least possible delay, such a number of horses of the best kind to be procured in Mysore, and to submit them to the inspection of an Officer of dragoons, who will be sent up for the purpose.

This Government will pay the Mysore Sircar whatever price the Dewan may fix upon for those horses.

I request you will give me the earliest intimation of what number of dragoon horses may be expected to be procured in this manner, and how soon they may be ready at Closepett, Bangalore, or any other place in that neighbourhood which the Dewan may find most convenient for his collecting them at.

Lieut. Colonel Davis has been apprized of these measures.

I have the honour to be, &c.

(Signed) R. BARCLAY,
Mily Secy.

The Hon. Arthur Henry Cole,
&c. &c. &c. Mysore.

(Secret and confidential.)

To Colonel Davis.

Sir, Fort St. George, 21st July 1809.

I am directed by the Honourable the Governor to acquaint you, that he has judged it to be requisite that some farther measures of a precautionary nature should be adopted, to enable the Government to pursue with promptitude the course of proceedings that may be prescribed by circumstances, and he has accordingly transmitted Secret Orders to the Acting Resident in Mysore to assemble a body of 2,000 Mysore horse in the vicinity of Closepett, and to place them under your orders. Sir George Barlow also considers it to be necessary that the troops at Bangalore, consisting of His Majesty's 25th and 59th regiments, the artillery, the 5th regiment Native cavalry, and two battalions of Sepoys, should be placed in a state of equipment for eventual movement; and I am directed to request that you will be pleased to make the requisite arrangements for that purpose, drawing from Seringapatam the artillery and stores which may be wanted.

The 22d dragoons want 200 horses to make the regiment complete at this moment. An application has been made to the Dewan of Mysore, through the acting Resident, to furnish as many horses of an age and size fit for immediate service with dragoons as he can collect, not exceeding 200. They will be inspected by an Officer of dragoons before they are received, and you will be informed hereafter, whether Col. Hare, will prefer to send up one from the regiment for that purpose; or if application will be made to you, to order one from the 25th dragoons.

I have, &c. &c. &c.

Lieut. Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I have the honour to acknowledge the receipt of your Letter of the 14th instant, informing me that it is the Honble. the Governor's desire that I should employ the most effectual measures to maintain the order and discipline of the Company's troops under my command, and to make a Report of the general state of the troops: In answer to which I have to state to you, for the information of the Honble. the Governor, that although there may be some Officers of the most seditious principles, I have no reason to believe that any are so completely abandoned as to meditate any hostile measures against Government. I have, however, taken such precautions (without giving any cause for alarm) as to secure this garrison against any treasonable attempt that might possibly be made against it; should any troops move in, or into the Southern Division, without the orders of Government, I shall immediately take the necessary steps for opposing them. Should any wretches so far forget themselves as to be taken in arms against Government, it would be desirable to know if the punishment due to rebels might not be inflicted on them immediately.

I have the honour to be, &c.

Trichinopoly, 18th July, 1809.

(Signed) W. WILKINSON,
Colt Coms S. D.

Lieut. Colonel Barclay, Military Secretary.

Sir,

I have had the honour of receiving your Letter of the 14th inst. and should have been earlier in my reply, but I have been under the necessity of waiting till this day, in order that I might have a personal and separate interview with Lieut. Colonels Bell and Munro, the senior Officers of Seringapatam.

In obedience to the commands of Sir George Barlow, I will fully state every thing that has reached my ear respecting the present discontents of the Officers of the Honble. Company's Army.

Ever since my return to Mysore, rumours have been abroad that the Officers were signing and forwarding Addresses to the Governor General, and likewise to the Madras Government, insisting upon points of the utmost magnitude.

I have some little satisfaction from every thing I can learn, in stating that the Officers of this Division have not been particularly forward in these seditious practices; but at the same time, it is natural to suppose that they will join their brethren in the sentiments which unfortunately prevail at this unhappy period.

At

[No. 2. C]
Enclosure No. 17. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

At the interview which took place this day, Colonels Bell and Munro were moſt ſeriouſly enjoined to communicate every circumſtance to me in any way connected with public affairs, or the ſecret intentions of any of the battalions. Theſe Gentlemen moſt ſolemnly declared that they were well ſatisfied in their own minds, that no act of violence or hoſtile movement of any deſcription, was in agitation, or had been thought of; but they likewiſe aſſured me, that they had good reaſon to believe there was but one ſentiment in the Army, and that in ſupport of that opinion a regulated communication between all the ſtations of the Coaſt Troops, as likewiſe ſome of thoſe in Poonah, Bengal, &c. had been eſtabliſhed.

You may aſſure Sir George Barlow that every arrangement within my power ſhall be made to ſupport the authority of Government, and to ſuppreſs all circumſtances likely to diſturb the repoſe of the country.

The detailed inſtructions which you mention in your Letter of the 14th, ſhall be moſt pointedly attended to, and the ſooner I am honoured with them, the ſooner I ſhall be enabled to carry into effect ſuch commands as Sir George Barlow may be pleaſed to iſſue.

I have the honour to be, &c.

Myſore, 20th July 1809. (Signed) HENRY DAVIS,
L^t Col^l Com^g Myſore.

Lieut. Colonel Barclay, Military Secretary.

Sir,

I am honoured with your letter dated the 14th inſtant, communicating, by order of the Honble. the Governor, the unpleaſant intelligence, that the information before the Government, together with recent events, have evinced amongſt a conſiderable part of the European Officers of the Company's Army under this Preſidency, the appearance of proceedings tending to the ſubverſion of the Government.

Whilſt this information could not fail to produce the moſt lively concern, it will of courſe excite that vigilant attention, and thoſe vigorous exertions to the oppoſition and prevention of an evil ſo calamitous, that both the ſerious conſideration and conviction of its fatal conſequences can dictate; or that the public duty of my own rank and ſtation can command.

I ſhall accordingly employ every means in my power to maintain the good order and diſcipline of the troops committed to my charge; carefully diſcharging every part of the inſtructions contained in your letter towards the continuance and preſervation of that deſirable end.

In obeying that part of the Orders conveyed in your letter, directing me to report on the ſtate of the Troops in the Diviſion, Sir George Barlow will, I hope, recollect that I have not yet been a month in its command, and that my previous long retirement prevents my having that general knowledge of the European Officers of this Army that could give to ſuch a Report the weight and attention which a longer and more intimate perſonal acquaintance of the Troops in the Ceded Countries would merit; on this ſubject my judgment and opinion muſt therefore be guided by the records of my predeceſſor, and by the information which I have obtained from Captain Stuart, the Aſſiſtant Quarter-maſter General, who was alſo the Aid-de-Camp, and confidential Staff Officer attached to Major General Pater.

It is then with ſatisfaction I find from both, that in no period of the preſent afflicting agitations have the European Officers of the two Native Corps, 1ſt and 2d Batt^n 7th Reg^t, and 1ſt Batt^n 9th Reg^t at Bellary, ever ſhewn a conduct, either publicly or privately, that was in any ſhape derogatory to the ſtricteſt ſubordination; and I am on theſe grounds of information led to believe, as before officially ſtated by Major General Pater, that "though I cannot "preſume to ſay what the force of evil example and communication have, or may hereafter "produce, ſtill I can have no heſitation in declaring the preſent natural temper and diſpoſition "of the Officers at this ſtation, containing two corps, have never evinced the ſlighteſt "appearance of any feeling inconſiſtent with their duty as Soldiers, or their dignity as "Officers."

With reſpect to the ſubordinate ſtations, Gooty and Cumbum, garriſoned by the 1ſt Batt^n 25th Reg^t, and 1ſt Batt^n 22d Reg^t, I find both to have always been marked for correctneſs; but, from their local ſituations, it will be impoſſible to obtain that correct knowledge of their European Officers, that would enable me to make a report of them that would prove ſatisfactory to the Honourable the Governor.

I have the honour to be, &c.

Bellary, 20th July 1809. (Signed) ROB^t CROKER,
M. G. Comm^g.

(Private and confidential.)

My dear Sir, Fort St. George, 10th July 1809.

I tranſmit with this, for your information and guidance, a copy of a ſecret and confidential Letter, addreſſed by me on the 14th inſtant, by order of Sir Geo. Barlow, to Officers commanding Diviſions of the Army; and I take the opportunity of communicating to you in confidence, ſome reports which I have heard reſpecting your own corps and garriſon; viz. That a correſponding Committee has been eſtabliſhed among the Officers, for aſſiſting in the general Plan alluded to in the Circular Letter, for the ſubverſion of the authority of the Government; that in concert with other ſuch Committees, they cauſe it to be underſtood, that both corps and garriſons are not actually under the controul of the oſtenſible commanding Officers, but under the direction and command of thoſe Committees, who have organized plans for exerciſing command whenever circumſtances may appear to them to require ſuch

ſteps;

No. 2. C.] steps; and that the Committee at Vellore, as well as others, are conſulted, and do offer their advice, whether the orders of Government are to be obeyed, or not.

Enclosure No. 17. in Gen. Lett. Sec. Dep., 10 Sep. 1809.

It will occur to you, that ſuch a ſtate of things is perfectly at variance with every principle of military ſubordination, tends immediately to the ſubverſion of the authority of Officers entruſted with the command of corps or ſtations, and ultimately of that of the Government itſelf, and demands the adoption of the moſt deciſive meaſure to put a ſtop to it. It will alſo be obvious to you, that in the preſent times it is not enough for Officers in command to decline taking part in the combinations which are forming againſt the authority of the Government; but, that it is their indiſpenſible duty to exert themſelves to break up, or to counteract, thoſe combinations; and it is thought that one ſucceſsful example of that ſort on the part of Commanding Officers, would ſufficiently ſhew the eaſe with which they may diſcharge their duty to the Government, to encourage moſt others to follow in ſo honourable a courſe.

Any Officers who really hold the command of nine hundred Native Troops need not fear the ſecret machinations or attempts of twenty Officers; and it appears to me, that from the high character which you bear in the ſervice, no Officer is more likely than yourſelf to have ſuch command and influence over the minds of the Native Officers and men of the 2d Battn 11th Regt, and conſequently that you may, with the greateſt eaſe and ſecurity to yourſelf, adopt the moſt vigorous meaſures for ſuppreſſing the Committee ſaid to be in your corps, by prohibiting in Orders all meetings of Officers for diſcuſſing public ſubjects, and by putting under arreſt, and ſending to the Preſidency under a guard, any Officer or Officers who ſhould preſume to diſobey that Order.

Sir George Barlow entertains the higheſt opinion of your firmneſs, zeal and ability, and being perfectly aware of the commanding influence and authority which your rank and character in the ſervice muſt naturally give you over the Native Officers and men under your command, he entertains the fulleſt confidence that by an exertion of vigilance, firmneſs, and determination to maintain order and diſcipline among the European Officers of your corps, you will at once be enabled to ſuppreſs all improper combination, and eſtabliſh on the firmeſt ground your own authority, and that of the Government.

I requeſt that you will correſpond with me freely on theſe ſubjects for the information of the Governor; and I am authorized to aſſure you, that your communications ſhall be kept moſt ſecret.

I remain, &c.
(Signed) R. BARCLAY, Mily Secy.

(Private and confidential.)

My dear Sir,

I have the honour to acknowledge the receipt of your private and confidential letter under date the 19th inſtant, with the circular one dated 14th inſtant. In reply I beg leave to inform you, that Government may depend with confidence on the conduct of the corps under my command, as I am convinced that I poſſeſs not only the authority over the men, but alſo an unbounded influence over their minds; ſo much ſo, that ſhould there be a neceſſity for it, they would with alacrity obey any orders I may think proper to iſſue, even to the ſecuring the perſons of ſuch Officers as may prove themſelves factious and turbulent; further, I think I can place great reliance for ſupport on a few of the European Officers, who, tho' they are guarded in converſation with me, would without doubt, on an emergency, aſſiſt me in preventing any improper ſteps being taken by thoſe who may be inclined to do ſo; for apparently they are averſe to any violent meaſures. As the majority of my Officers keep aloof from me, it is natural to conclude very little of what tranſpires amongſt them comes to my knowledge; conſequently, I am completely in the dark with reſpect to their intentions, and the intentions of thoſe of other corps. I am uncertain whether they have any Committee, but I very well know that at the meſs they are in the habits of diſcuſſing matters of different kinds.

Agreeably to communications in your letter, I have taken precautionary meaſures to fruſtrate any attempts that may be made of ſurpriſing me in the garriſon, and have no doubt but they will prove efficacious. As for orders from Government, you may rely on their being obeyed by the troops here.

I remain, &c.
Vellore, 22d July 1809. (Signed) ROSS LONG, Lieut. Colr Commt.

Lieut. Col. R. Barclay.

Sir, Fort St. George, 22d July 1809.

To guard againſt the poſſibility of your exertion to re-eſtabliſh order and ſubordination in the corps at Hydrabad and Jaulna being unſucceſsful, Sir George Barlow will take immediate ſteps to have in readineſs to move at a moment's warning, a force conſiſting of 6,000 King's Troops and 6,000 Company's, which will move from Madras, Bangalore and Bellary, upon a given point upon the Kiſtnah. This force will be placed under your command.

With this force you will be enabled at once to reduce the Subſidiary Force to ſubordination, to maintain tranquillity in the dominion of his Highneſs the Nizam, and to meet any body of troops which the preſent diſorderly ſtate of the Subſidiary Force, and other poſſible occurrences, may induce any of the Chiefs or States to the northward to march into his Highneſs's dominions.

It

It is the intention of Sir George Barlow, as ſoon as your authority over the Force is eſtabliſhed, to bring the moſt active promoters of the late diſorders in that Force, and at Maſulipatam, to a General Court Martial. This courſe of proceeding will, Sir George Barlow truſts, terminate in the eſtabliſhment of good order and ſubordination throughout this Army, and prove the means of preventing any future combination againſt the authority of the Government. [No. 2. C.] Enclosure No. 17. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I have the honour to be, &c.

To Colonel Cloſe. (Signed) R. BARCLAY, Mil[y] Sec[y].

Lieut. Col. Barclay, Military Secretary to the Honourable the Governor.

Sir, Trichinopoly, 21ſt July 1809.

On a further conſideration of your letter of the 14th inſtant, I think it neceſſary, for the information of the Honourable the Governor, to enter more fully into a detail of the ſtate of the Native troops under my command, with a view to the meaſures moſt likely to prevent the evils that muſt enſue from a continuance of the preſent ſeditious ſtate of the European Officers. Upon a general view of the European Officers of the corps, taken from a conſtant cloſe attention to their own manner and opinions, and from various reports I have heard at different times directly and indirectly, I believe that moſt if not the whole of the European Officers hold opinions that are incompatible with the ſubordination neceſſary to make an Army uſeful to its Country. The ſentiments that I alluded to, are, the conceiving themſelves labouring under grievances, and uniformly avowing their right to claim and enforce from Government a redreſs of them, according to the temper, purſuits, and circumſtances of the different Officers, as they are more or leſs inclined to deſperate meaſures; many of them being ruined in their fortunes, would be willing to undertake any thing that might probably produce a change. Although I do not think that any Native corps will riſk any oppoſition to Government when in garriſon with a King's regiment, yet I ſhould much queſtion their conduct if removed at any diſtance by themſelves; and I am fully of opinion, if in any caſe they were called upon to act againſt each other, they would inſtantly become non-efficient. Having an Army of Officers ſo generally diſaffected, you will obſerve that my concluſions are guided much by the information contained in your letter of the 14th inſtant. However well inclined the Sepoy may be at preſent (and which I believe him to be moſt perfectly) it muſt follow, by the means of miſrepreſentations and promiſes which Officers always have the means of making to the ſoldier, that the whole of the Native troops muſt, ſooner or later, become a ſeditious Army, and hoſtile to Government. Such appearing to be the preſent ſituation of the Company's troops, in order to avoid the calamities of a civil war, I beg leave to offer my opinion, that ſtronger meaſures ought to be purſued, inſtead of thoſe that have hitherto been adopted, no leſs than a reform of the Native troops appearing to be neceſſary. There ſeems to be only one mode that will anſwer that purpoſe, beſides that of its entire reduction, which is that of removing the whole of the European Officers from the Native corps. It is an undertaking certainly unprecedented, and at firſt view may be thought difficult to be accompliſhed; I am, notwithſtanding, convinced that with ſecrecy, proper arrangement, and a ſimultaneous movement, the moſt of the Native troops in the Carnatic may be changed, in one day, from a ſeditious to a loyal Army.

I will undertake, on any one day, the making priſoners the moſt of the European Officers belonging to the Native troops in Trichinopoly, and appoint Officers of the King's troops to command the Sepoys, and filling up the vacancies in the King's regiments with Serjeants. If any of the European Officers ſhould afterwards appear innocent, or others expreſſing contrition, they might be permitted to join their corps with their former rank. If ſuch a meaſure was to be executed on the ſame day in every part of the Carnatic, it would not only reform the Coaſt Army, but prevent their preſent example extending to the other Armies in India.

If Sir George Barlow does not approve of my project, I ſhall be much obliged to you to return me this letter as ſoon as convenient.

I have the honour to be, &c.

(Signed) WM WILKINSON,
Col[l] Comm[g] S. Diviſion.

Enclosure, No. 18.

(Copy.)

To Colonel Wilkinſon, commanding the Southern Diviſion.

Sir,

You will no doubt have been induced to adopt meaſures of precaution, in conſequence of the ſpirit of inſubordination and ſedition which prevailed in certain parts of the Company's Army.

The encloſed copy of a Letter delivered by the Officers attached to the Hydrabad Subſidiary Force to Lieutenant Colonel Montreſor, the Officer commanding that Force, and received by the Honourable the Governor in Council on the 24th inſtant, renders it indiſpenſably requiſite to preſcribe a courſe of proceeding of a more decided nature, as the plans of the diſaffected party threaten either a civil war, or ſuch a blow to the power and conſtitution

[No. 2. C.] Enclosure No. 18. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

of the Government, as would produce evils of a far more fatal nature than can result from the most strenuous exertions for the maintenance of its authority.

Every obligation of public duty, and every consideration of Government and policy, urges the expediency of adopting the most vigorous and effectual measures for the purpose of frustrating the execution of those plans, so pregnant in any event with disastrous consequence to the interests of our Country; and it is a source of the most gratifying reflection, that the discipline, zeal, and national attachment of His Majesty's troops may be confidently relied upon at this arduous moment for the preservation of the Empire, which their exertions have so much contributed to obtain.

The Government are also persuaded, that a number of the Company's Officers will be impressed with a sense of the dangers which the infatuated conduct of a party of disaffected men threatens to themselves and their Country, and that they will avoid all part in a course of proceeding of the deepest guilt, and pregnant with the most fatal calamities.

The undiminished power of the Government is in this country so indispensable to its existence, that any course of proceeding calculated to weaken its authority, or impair its energy, would be productive of the most imminent danger to the preservation of the Empire, and every maxim of policy, expediency and duty, impose upon the Governor in Council at the present unprecedented crisis the arduous task of suppressing, by a vigorous employment of the means at his disposal, a spirit of insubordination, sedition and usurpation, which if submitted to would effectually disable the Government from executing the ordinary functions of administration.

These considerations, the actual state of affairs, and the necessity of averting such serious dangers, have rendered it requisite that the Government should ascertain the sentiments and principles of the Officers entrusted with authority under it; the Government do not suspect individuals, but when so great a portion of the Army has manifested a determined spirit of sedition, it is essentially requisite that the zealous and faithful should be distinguished from those who are indisposed to support the authority of Government, and that the latter should be no longer permitted to exercise functions which they are unwilling to employ in the service of their Country; I am accordingly directed by the Honourable the Governor in Council to desire that you will assemble all the European Officers of the Company's service at Trichinopoly, explain to them the considerations stated in this dispatch, and obtain from such of them as may be resolved to adhere to their duty, a Declaration of the purport expressed in the accompanying paper. You will explain to the Officers, that such of them as may decline to afford the pledge now required, will be removed from the immediate execution of duty with the troops, and allowed to remain at some particular station (which it is left to your discretion to prescribe) on the receipt of their ordinary allowances, until the situation of affairs, and the temper of their minds, admit of their being employed with advantage to the State. Those Officers can have no reason whatever to complain of this measure, or consider it a hardship, for they cannot expect that the Government will entrust them with an authority which they are not willing to employ in its support. After this proceeding, you will immediately remove from function all Officers who shall decline to afford the required pledge, and place the Company's troops under such Officers as you may consider to be deserving of confidence; you will even place King's Officers in command, if all the Company's Officers should decline to declare in support of the Government, and will extend the same arrangement to the Artillery.

In the event of any of the Staff Officers of your Divisions refusing to make the Declaration required, they will of course be removed from the exercise of all military functions, and you are hereby empowered to appoint Officers of His Majesty's or the Honourable Company's service to those situations until the pleasure of the Governor in Council is known.

You will be pleased to transmit without delay to the Adjutant General, a list of the names of the Officers who shall sign the Declaration, and also a list of those Officers who shall refuse or omit to sign it, and you will immediately publish these lists in Division Orders, that the troops may know what Officers they are to obey, and what Officers have been suspended from their functions.

After the execution of these measures, you will be pleased to assemble all the Native Officers, and explain to them, with candour and confidence, the grounds on which they were adopted; you will inform them that certain European Officers, in pursuit of objects entirely personal to themselves, have formed plans of the most criminal nature, and desirous of involving the Native troops in the danger and guilt attending their execution.

You will impress upon the minds of the Native Officers that their first duty is to the Government, and that they are to refuse a belief to any suggestions calculated to mislead their minds or excite discontent; you will inform them that the Government are more anxious to improve than to injure their situations, and will recal to their recollection the constant solicitude which it has manifested for their comfort.

You will finally acquaint them, that the utmost confidence is placed in their discipline and fidelity, that the present disturbances will be soon composed, but that they must on no account violate the duty which they owe to the State.

Having made the necessary arrangements for securing the services of the Company's troops at Trichinopoly, you will adopt proper measures for carrying the same plan into effect with all the rest of the corps under your command, moving a force to any other point in your Division, if you should find that step necessary, to effect the object described in this dispatch.

Instructions similar to these have been communicated to all the Officers commanding Divisions south of the Kistnah; and the Government trust that the services of all the Company's

[No. 2. C.]

Enclosure No. 18. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

pany's troops in these Divisions will be effectually secured by the prompt and decided execution of this order.

It is proper not to conceal from you, that the present crisis demands the most strenuous exertions for the preservation of the national interests, and the measures now communicated to you are essentially necessary for the purpose of securing this most important object.

To Officers commanding Divisions.

Sir,

Government having received information, that correspondence of a most seditious and dangerous nature, is carried on between a number of British Officers of the Company's Army of this Establishment, you are hereby authorized and directed to open all public Tappals, and also all private Tappals conveyed by private Hircarrahs or Messengers, and to open any suspicious letter which may be contained in the same, and to forward them to Government should they contain matter of a seditious or improper nature.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) A. FALCONAR,
Chief Seretary to Government.

Fort St. George,
26th July 1809.

Colonel Close,

Sir,

I am directed by the Honourable the Governor to transmit to you for your information, the enclosed copy of a Letter addressed by the Chief Secretary to Government to Colonel Wilkinson, commanding the Southern Division of the Army, copies of which, varied according to local circumstances, have also been forwarded to the Officers commanding in all the other Divisions of the Army.

It is Sir George Barlow's intention to leave it entirely to your discretion, whether it may be expedient to carry into execution, in the force under your command, the measures prescribed in that letter or not; but in the event of your deeming it expedient to make the attempt in the Force, it is the Governor's particular wish and desire, that the Declaration referred to in the letter to Colonel Wilkinson, may not be tendered for subscription to the heads of corps, the Members of the corresponding Committee (described hereafter) or to any other Officers whom you may discover to have been particularly active in the seditious measures which have been carried on in that Force, as they must be brought to trial for their conduct.

I am also directed to forward to you a copy of some intercepted Correspondence between Committees established in various parts of the Army, which will give you some idea of the manner in which the seditious plans of the Officers are conducted.

I have the honour to be, Sir,
Your faithful and obedient Servant,
(Signed) R. BARCLAY, Mil. Sec.

Fort St. George,
26th July 1809.

Major General Pater, &c. &c. &c. Masulipatam.

Sir,

I am directed by the Honourable the Governor to transmit for your information, a copy of a Letter, with several Enclosures, which has been addressed by order of the Governor in Council to Colonel Wilkinson, commanding the Southern Division of the Army, and copies of which, varied according to local circumstances, have also been forwarded to all Officers commanding Divisions South of the Kistnah.

It is Sir George Barlow's intention to leave it entirely to your discretion, how far it may be expedient to attempt to carry into execution, in the Northern Division of the Army, the measures prescribed in that letter; but in the event of your deeming it expedient to make the attempt, it is the Governor's particular wish and desire, that the declarations referred to in the letter to Colonel Wilkinson may not be tendered for subscription to any of the Officers who you may have been informed by Lieutenant Colonel Malcolm, or who you may have any other reason to suppose, are to be brought to trial for their late conduct at Masulipatam, nor to any Members of the corresponding Committee established in Masulipatam.

I have, &c.
(Signed) R. BARCLAY, Mil. Secr.

Fort. St. George, 26th July 1809.

Lieut. Colonel Lang, Vellore.

My dear Sir,

I send you with this, by desire of Sir George Barlow, a copy of a Letter, with Enclosures, which has been addressed by the Chief Secretary to Government to Colonel Wilkinson, commanding the Southern Division of the Army, and copies of which, varied according to local circumstances, have also been addressed to all Officers commanding Divisions South of the Kistnah.

You will no doubt receive orders on the subject from Lieut. Colonel Hare, but as he will be entirely occupied for this day in carrying the measures prescribed in that letter into execution in his own Camp, and as it is reckoned of some importance that you should be apprized of them before any other person in Vellore is, I forward an authenticated copy by express; and I am directed by Sir George Barlow to request that you will carry those measures into immediate effect in Vellore.

Sir

[No. 2. C.]

Enclosure No. 18. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir George Barlow derived much satisfaction from the perusal of your confidential Letter to me.

Fort St. George, 26th July 1809.

I remain, my dear Sir, your's very truly,
(Signed) R. BARCLAY,
Mily Secy.

Sir,

Colonel Hare is at present so much employed in disposing the pickets for the security of the Camp, that he has directed me to write to you on the subject of this day's occurrences, intending to write himself as soon as possible. The Officers of the Native Corps and of the Artillery of Camp, and of the Mount, have refused to sign the Declaration on their part. After some discussion, he has found it necessary to proceed in the execution of his instructions, and the Officers in question have accordingly been withdrawn from all command and function. The 7th regiment has been placed under the orders of Captain Gordon, His Majesty's 22d, and the 3d Cavalry for the present under Lieutenant Kennedy of His Majesty's 25th; the 1st battalion 20th Native Infantry has been placed under the orders of Major Coats of His Majesty's 69th, and two Officers of that corps have been directed to assist him. I have the satisfaction of informing you, that the Native Officers have behaved in the most orderly and proper manner, and that they have unanimously professed the utmost fidelity to Government, and readiness to obey the Officers appointed to command them.

I have the honour to be, Sir,
Your most obedient Servant,
July 26th. 7 o'clock, P. M.
(Signed) V. BLACKER,
Depy Q. M. Genl.

(Private and confidential.)

Sir,

I am directed by the Honourable the Governor to acquaint you, that the Orders of the Governor in Council, which were communicated to you yesterday by express, in a letter from the Chief Secretary, were carried into effect yesterday afternoon in Fort St. George, and in Lieut. Colonel Hare's camp near the Mount.

The Company's Officers in each place were assembled at the Commanding Officer's Quarters. The orders of Government were read to them, and the conduct of the Hyderabad Subsidiary Force, and other circumstances of a similar nature, which had induced the measures in question, were explained, and the Declaration of their sentiments was tendered for their subscription.

A considerable number of the Officers in this garrison subscribed it, but none at all in the camp near the Mount; all who refused were declared to be suspended from the exercise of their military functions. Those in camp having the means of moving immediately, made a march yesterday evening towards their former cantonments at Wallajabad, Arcot, and Cannanore, in order to prepare themselves for some more retired station, which will be pointed out for their future residence. The Officers of this garrison are to proceed in the course of this day towards Pulicat, where they are to reside until further orders.

The Native Officers, both in camp and garrison, were assembled by Colonel Hare in the former, and by Colonel Conran in the latter, and the circumstances which had induced the Government to suspend a number of the European Officers from the exercise of their military functions for a time, and the duty and allegiance which the Native Officers owed to the State, were fully explained, together with what was stated in the circular letter, and they unanimously declared their implicit obedience to the orders of Government, and gave every assurance of their resolution to do their duty in support of the Government, under whatever European Officers might be placed over them.

It was a general sentiment among the seniors of them that they had served the Company from 20 to 30 years, and some few boasted of 37 and 39 years; that they had never known any other master, and they would not now acknowledge any other than the Company, whose salt they had eaten so long.

A number of Officers have been appointed to do duty with the corps, and every thing is going on in camp and garrison as regularly and quietly as if nothing extraordinary had happened.

26th July.

Lieut. Colonel Irton, &c. &c. &c.

My dear Irton,

I have the pleasure to inclose a Government Order, appointing you to the command of the troops in the Vizagapatam and Ganjam Districts; and I am directed by Sir George Barlow to acquaint you, that having particular occasion for your services in the Circar, he has created that command for you, and he is anxious that you should repair to your station with all possible expedition.

You will find yourself re-appointed to the 21st regiment, and all your seniors out of the way.

I also enclose for your information, copy of a letter addressed yesterday to Colonel Wilkinson by the Chief Secretary to Government, and copies of which were sent at the same time (varied according to local circumstances) to all Commandants of Divisions south of the Kistnah, and also to Major General Pater.

It

[No. 2. C.]

Enclosure No. 18. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

It was left entirely to General Pater's discretion whether to attempt to carry the measures prescribed for Colonel Wilkinson into effect in the Northern Division or not; viewing matters from a distance he may possibly think it more hazardous than you will do, to carry them into execution in your Districts, and therefore the copy is sent to you for the exercise of your discretion in that matter.

It was carried into complete effect in this garrison, and in Colonel Hare's camp near the Mount yesterday afternoon. A considerable number of the Company's Officers doing regimental duty in this garrison, but none at all in Colonel Hare's camp, signed the Declaration referred to in the letter to Colonel Wilkinson; all those of this garrison who refused are ordered to proceed to Pulicat, and remain there till further orders. Those in Colonel Hare's camp were sent off immediately to their former cantonments at Wallajabad, Arcot, and Cannanore, to prepare for some place which will be hereafter assigned.

It is very satisfactory to me to be able to add to this account of the occurrences of yesterday, that the whole of the Native Officers in camp and in garrison behaved in the most correct, orderly, and proper manner.

They acknowledged the Company as their only master, and declared their determination to obey whatever European Officers the Government thought proper to place over them, after which they all returned to their lines. The corps paraded last night and this morning, as if nothing extraordinary had occurred.

Some Officers have been appointed to-day to do duty with the regiments of cavalry and battalions of Native infantry, and there is every appearance of the greatest degree of discipline and subordination being maintained in those corps.

(Signed) R. BARCLAY,
Mil^{y} Sec^{y}.

Fort St. George,
27th July 1809.

(Secret and confidential.)

Sir, Fort St. George, 27th July 1809.

I am directed by the Honourable the Governor to acquaint you, that in addition to the 200 horses which I requested on the 21st instant that you would endeavour to obtain from the Dewan of Mysore for the dragoons, the Government are in want of 150 horses of a similar description for service with dragoons; and Sir George Barlow hopes, that through your representation to the Dewan, he will be induced to furnish that additional number on the same terms as the 200.

You may state to the Dewan, that since the date of my first letter, the call for those horses have become much more urgent, and that, recollecting the exertions which the Dewan has made on former occasions in support of the alliance between the Company and the Mysore Circar, this Government relies with the utmost confidence on his supplying the 350 horses of the best kind to be procured in Mysore, with the utmost possible expedition.

(True copies.)

(Signed) A. FALCONAR,
Chief Sec^{y} to Gov^{t}.

Enclosure, No. 19.

To the Chief Secretary to Government.

Sir,

I HAD the honour of addressing a letter to you on the 12th inst. inclosing an anonymous one, which I received here on that day.

I now think it my duty to report, for the information of the Honble. the Governor in Council, in consequence of what I have since heard, that with the exception of very few, the greatest ferment and spirit of discontent (not to give it a harsher name) prevails almost universally throughout the Officers of the Native regiments serving in Travancore, and to such an extent, that if the example should be unfortunately set them by others, I shall not be at all surprized at any lengths they may proceed to.

Should events turn out, as I am sorry to say the appearance of things at present seems to warrant, viz. that the Officers should throw off their allegiance to Government, and proceed to extremities, I much fear that the Natives of this country, if credit is to be given to the general opinion, would take advantage of the confusion which must necessarily ensue, and add to difficulties already too serious.

Should that event, so much to be dreaded, take place, and that the Sepoys should be persuaded to join their Officers, which I am given to understand would most probably be the case, His Majesty's 19th regiment, between them and the Natives of the country, would be placed here in a very critical situation, and probably, from being so far separated from others, be unable to support the Government, which it is the firm determination of every Officer, and I may say man of the corps, to do to the last.

I sincerely hope that things may turn out differently from what I have stated; but I think it my duty, from the serious reports which I have heard, to warn Government to be prepared for the worst.

(Signed) P. STUART,
Lieut. Col. Com^{g} in Travancore.

Quilon,
16th July 1809.

[No. 2. C.]

Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To the Honourable Lieutenant Colonel P. Stuart.

Sir,

The information which you have communicated to the Government, regarding the insubordination of the Company's Officers in Travancore, has been received with sentiments of extreme regret; but every consideration enforcing the necessity of adopting the most resolute and vigorous measures for the suppression of principles that are calculated to produce the most dangerous consequences to the British Empire, the Honble. the Governor in Council entertains a confident expectation that the execution of the instructions which have been transmitted to you, relative to a Declaration from the Company's Officers, will have placed at your disposal the greatest part of the Company's troops in Travancore, and obviated some of the effects that were likely to result from the seditious and criminal views of those Officers. But the Governor in Council considers it to be indispensably necessary to secure, by every practicable means, the tranquillity of Travancore, and the safety of the 19th regiment; and for that purpose has issued the instructions, of which copies are transmitted herewith, to the Officers commanding the Southern Division, and in Malabar and Canara. The Governor in Council is desirous that you should communicate fully with both those Officers, and apprize them of your situation and intentions.

The Governor has requested his Excellency the Governor of Ceylon to send to Quilon as many of the Ceylon Colonial troops as he may be able to spare; and he trusts that you will receive a useful assistance from their services.

I have the honour to be, &c. &c.

Fort St. George, 28th July 1809.

(Signed) A. FALCONAR, Chief Secy to Govt.

To Col. Wilkinson, commanding the Southern Division of the Army.

Sir,

You will have adopted measures for the removal from the exercise of authority all the Company's Officers who may have entertained sentiments of a nature incompatible with their duty and allegiance. I am directed by the Honble. the Governor in Council to request, that after the accomplishment of that object, you will form a field detachment at Trichinopoly, consisting of His Majesty's 30th regiment, and the flank companies of His Majesty's 12th regiment, the 6th regiment Native cavalry, a detail of artillery, with the 2d battalion of the 13th, and the 2d battalion of the 24th regiment, and a suitable Ordnance equipment, and hold the detachment in readiness to act as circumstances may require.

You will be pleased to correspond with Colonel Stuart and Colonel Forbes respecting the state of affairs in Travancore, and Malabar and Canara. In consequence of the hardships sustained by the 12th regiment from the inclemency of the weather during their march from Travancore, the Government is pleased to permit the regiment to draw field allowances until the end of August.

(Signed) A. FALCONAR, Chief Secy to Govt.

Fort St. George, 28th July 1809.

Lieutenant Colonel Forbes, commanding in Malabar and Canara.

Sir,

I am directed to transmit to you the accompanying copy of a Letter from Lieut. Colonel Stuart, commanding in Travancore, and to desire that, after receiving the prescribed Declaration from the Company's Officers in Malabar and Canara, and adopting such further precautions as you may consider necessary for securing the fidelity of the Native troops, you will hold such a force as can be spared from Malabar in readiness to act as circumstances may require.

I have the honour, &c. &c.

(Signed) A. FALCONAR, Chief Secretary.

To Colonel Davis, commanding in Mysore.

Sir,

I am directed by the Honble. the Governor in Council, to forward to you, for your information and guidance, copy of a Dispatch which I have transmitted to Lieut. Colonel Forbes, commanding in Malabar and Canara, and I am directed to request that you will afford to that Officer your aid and advice in carrying into effect the arrangements with which he is charged.

(Signed) A. FALCONAR, Chief Secy to Govt.

Fort St. George, 28th July 1809.

Lieutenant General Maitland.

Sir, Fort St. George, 28th July 1809.

I have the honour to transmit to your Excellency a copy of a Letter from Lieut. Colonel the Hon. P. Stuart, and beg leave earnestly to solicit, that your Excellency will detach to Quilon any reinforcement from His Majesty's Ceylon regiments which you may be able to send to the support of Lieut. Colonel Stuart.

(Signed) G. H. BARLOW.

[No. 2. C.]

Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

(Secret and confidential.)

Sir, Bellary, 25th July 1809.

The unpleasant intelligence conveyed in your Letter of the 14th instant, and the vigilance in consequence employed, has brought to my knowledge (an information, which I am grieved to say, cannot be doubted) that the European Officers of the two Native corps at Bellary have been influenced by secret and recent communications with Hyderabad, Masulipatam, and Mysore (and which the most watchful scrutiny has not been able to intercept or discover) with the spirit and sentiments of dissatisfaction which so unhappily prevails amongst so considerable a part of the Officers in these Divisions; and I can no longer doubt there is existing amongst them here a determination to support the present unfortunate cause of stated grievances, and the culpable proceedings of interposing their aid in behalf of the rest of the Army, and in that of the subject of complaint against the recent measures of the Government. Whilst, at the same time, I am to understand their obedience on all occasions, not connected with the lamentable question, will be maintained.

The respect and obedience which I owe the Government will, I hope, guide my endeavours in averting the fatal evils of the present momentous period with vigour and prudence. I beg, however, to be speedily honoured with the instructions intimated in your Letter of the 14th current. In the mean time, every means that prudence can suggest shall be exerted for the purpose of securing obedience and discipline.

I have the honour, &c. &c.

(Signed) ROB. CROKER, M. G. Comm^{t}.

Lieut. Col. Barclay,
Mil^{y} Sec^{y}, &c. &c.

Sir, Quilon, 21st July 1809.

I have the honour to acknowledge the receipt of your Letter of the 14th inst.

In my reply to the Chief Secretary to Government, dated the 16th of this month, I fully stated what I understood to be the general sentiments of the Company's Officers in this command. I am now happy to say, from some private communications which have since been made to me, that I have reason to believe that it is the wish of the Officers of the three corps at this station to remain quiet and peaceable for the defence of the country, and I have no doubt they will continue in their obedience to any orders, except one, which is to march against the rest of the Army; this I know they would resist and disobey. If, therefore, I can keep them quiet here in the present serious and alarming situation of affairs, it will be as much as can be expected.

Any act of violence on the part of His Majesty's regiment here would be attended with the most fatal consequences (when the numbers are so unequal) and create a scene of dreadful confusion, and the regiment would be left in Travancore with every Sepoy its open and avowed enemy, and probably they would be joined by all the people of the country.

What the sentiments or intentions of the corps at the other stations may be, I of course cannot be so well informed, but I have great hopes that they also may remain quiet.

All opinions on the present state of affairs are kept in profound secrecy, nor do I ever hear of their being privately or publicly discussed.

I request you will assure the Governor, that I shall do every thing in my power to check any improper proceedings; and that whatever may happen, I shall act according to the best of my judgment for the benefit of the Country.

I have the honour, &c. &c. &c.

(Signed) P. STUART,
L^{t} Col. Com^{g} Travancore.

Lieut. Col. Barclay,
&c. &c. &c.

(Private and confidential.) Mysore Residency, 26th July 1809.

I am favoured with your secret and confidential Letter of the 21st instant.

Immediately on its receipt I stated to the Dewan the wishes of the Honourable the Governor in Council, and he, with his usual promptitude replied, that the Mysore horse should attend the orders of Colonel Davis when and where that Officer might direct.

Colonel Davis being at present at the Residency, I have consulted with him upon the most convenient place for their assemblage; and in conjunction with him, it is decided, that as the Sillahdar horse are always stationed in bodies of four or five hundred, within a few hours call in the villages around Seringapatam, it will be the best plan to continue them in their present situation until it may be deemed expedient to move them to any other quarter.

Respecting the horses required for the use of His Majesty's 22d dragoons, there are very few horses bred in Mysore. Merchants seldom or never visit this country; and among the Sillahdars it is almost impossible to persuade any man to dispose of his horse: insurmountable difficulty would consequently have occurred upon this point had not the customary readiness of Poorneah to apply all the means of the Mysore Sircar to the benefit of the British Government, suggested the offer of his Highness the Rajah's stable horse for the service of the Honourable the Governor in Council.

There are five hundred and fifty chosen horses at Clasepitt fit for any work, and I believe perfectly adapted to the desired purposes of the Honourable the Governor in Council. These the Dewan delivers over to the selection of Government; and he desires me to say, that every opportunity offered him of evincing his attachment and gratitude to the British Government, adds a new term of years to his life, and an additional increase to his happiness.

At first Poorneah would not listen to any mode of remuneration, but upon my insisting on the point, he said he would agree to whatever arrangement I would suggest, excepting one of a pecuniary nature.

I asked

[No. 2. C.]
Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I asked him if it would be satisfactory to him to have two hundred horses from the remount supply of next year, to be selected by any Officer of his from all those to be collected by the Company's Cavalry Agent at Coongul.

He closed with the suggestion at once; and I hope the Honourable the Governor in Council will approve of this arrangement.

The Dewan and I will attend at Closepett to deliver over to the selecting Officer on his arrival, those horses which Government now require; and again next year the Dewan and Resident will proceed to Coongul, to receive those to be given in lieu to the Mysore Government.

I cannot too much extol the kindness and promptitude of the Dewan on this little occasion; they are additional proofs of his devotion to the British cause; and I am positive that his sincere and generous attachment will lead him to anticipate, if possible, any demand that could be made by Government upon the resources and friendship of Mysore.

I cannot pretend to be ignorant of the causes which have led to the present demand of this Government, nor can I suppress my regret or my opinion on the momentous posture in which affairs now stand.

I am well acquainted with the state of mind in which the Officers of the Company's Army now are, and I think it my duty to state humbly, and with all due submission, for the information of Government, that the *dissatisfaction is general throughout Mysore*; and I can confidently affirm, that there is no *extremity whatever* to which the Company's Officers will not proceed in this district, to gain those points at which they aim.

The least intimation of a desire by Government to subdue by force this lamentable spirit will, I know, shut against their orders the gates of Seringapatam; and I do really believe, that there is no out garrison or body of Company's troops within Mysore, which is *not prepared* at a moment's notice to march to its assistance, and to the support of the object so unanimously embraced. This is a melancholy but I fear an undoubted truth, and I hope my open expression of it will not be deemed presumptuous, but will be attributed to its real motive—"a stedfast attachment to the Government which I serve, and consequently to the honour and interest of my Country."

I have the honour, &c. &c.

To Lieut. Col. Barclay, Mily Secy to the Honble. the Governor in Council Fort St. George.

(Signed) A. H. COLE, 1st Asst in charge of Mysore Residency.

Dear Barclay, Crangnore, 20th July 1809.

I transmit the enclosed with a grief that I am unable to express. I do hope that measures of conciliation will be speedily adopted. My health is such as to incapacitate me from active exertion of any kind.

I remain, &c. &c.

To Lieut. Col. Barclay, &c. &c. &c.

(Signed) C. MACAULAY.

My dear Colonel, Quilon, 18th July 1809.

From the very alarming accounts which I have this day heard of the proceedings of the Army to the Northward, and knowing that the same ferment prevails throughout every corps in the service, I wish particularly to know from you, in case the troops in Travancore should unfortunately be induced to adopt measures similar to what I understand have taken place to the Northward, viz. putting themselves in motion to oppose by violence the orders of Government, what is to be expected from the Natives of this Country? Whether they are likely to take advantage of the confusion that would necessarily ensue? What means they may have of doing so?

As you may well suppose, I feel myself placed here in a most critical and unpleasant situation; although it is the duty and the wish of every Officer of the regiment under my command to support the Government, yet to have recourse to any violent measures, situated as we are, might be attended with the most fatal consequences to both parties (being, as I may call it, in an enemy's country) and without doing any good to those whom we wish to support.

I do not know what the sentiments of the corps at Alleppi and Cochin may be; but I rather think it is the wish of the Officers of the battalions here to remain quiet and peaceable, foreseeing, that if they acted otherwise, the Natives would take advantage of it.

I hope to hear from you as soon as possible, but I should have more satisfaction in having the pleasure of seeing you.

I remain, &c. &c.

(Signed) P. STUART.

None of the corps will be able to march from hence before the beginning of next month, as the 2d regiment is directed to have the camels coming with the detachment of Artillery transferred to it, to carry the camp equipage, and the Artillery cannot be here before the 28th or 29th.

(Confidential.) (Duplicate.)

My dear Colonel, Crangnore, 20th July 1809.

I have just been favoured by your distressing Letter of the 18th, received by express, and am deeply affected at the dreadful intimation it conveys.

I am

[No. 2. C.]
Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I am in total ignorance of the Northern proceedings alluded to as alarming; neither have I the moſt diſtant ſuſpicion that any Officer in this country will be likely to behave otherways than as loyal Officers ſhould do. Dreadful, indeed, would be our ſituation if any number of Officers could be ſo loſt to all that they owe to their Country and to themſelves, as to conceive the raſh project of oppoſing by force of arms the Government. I had ſeen a moſt improper and violent paper, purporting to be copy of an Addreſs from Jaulnah to the Governor, and that is all I know of the matter. Should any violence be in the contemplation of any Officer ſerving in Travancore, it will naturally occur to you as not likely that a diſcloſure of it to me would be hazarded. No man could go greater lengths than I ſhould be diſpoſed to go in endeavours to defeat ſuch dreadful projects. I have witneſſed no tendency to diſobedience or inſubordination; and in point of fact, I do not, I cannot believe that any Officer at Quilon, at Alleppo, or Cochin, or elſewhere in this country, would act otherways than in due obedience to the authority which he is bound to obey.

The ſubject, however, being ſo very ſerious and alarming, I beg your communicating to me and to Government all you know or have heard reſpecting it. Of late I have lived ſecluded nearly altogether from ſociety, and thence deprived of opportunities of hearing what paſſes; but even if I had mingled largely in ſociety, I am one of the laſt perſons to whom plans of mutiny would be confided. Not a doubt, not the ſmalleſt can exiſt, of our total ruin in this country, ſhould any thing take place here of the nature alluded to in your letter.—I write in haſte.

I remain, &c. &c.
(Signed) C. MACAULAY.

The Hon^ble L^t Col. Stuart,
&c. &c. &c.

Sir, Quilon, 23d July 1809.

I beg leave to report, for the information of the Honourable the Governor, that I this day aſſembled the Officers commanding Native corps in this cantonment, to requeſt that they would impreſs on the minds of their Officers, in the moſt forcible manner, the neceſſity there was for the ſtricteſt adherence to their duty; to point out to them the fatal conſequences that muſt reſult from a different line of conduct; and alſo to ſhew how abſolutely neceſſary it was to check the circulation of any report prejudicial to Government, or any animadverſions on its conduct.

I muſt do thoſe Officers the juſtice to ſay, that they appear fully aware of the neceſſity of the above meaſures, and will do their utmoſt to inculcate them into the minds of their Officers.

In the courſe of the above converſation it was mentioned to me, that there was a report in circulation, which, though they themſelves diſclaimed any belief in it, ſtill might operate ſtrongly in the minds of the violent or prejudiced men, unleſs contradicted by authority: this was, that Government had made uſe of agents throughout the different corps in the country, to endeavour to alienate the attachment of the Native Officers and Sepoys from the European Officers, that in caſe of any diſturbances the former might take the command of the corps and ſecure the latter. This, I of courſe told them, was not worthy of belief, but muſt have been circulated by ſome miſchievous incendiary to inflame the already agitated minds of the Officers.

At the ſame time I beg leave to be allowed to ſuggeſt, that if the above report was contradicted by Government, and that made known to Officers commanding regiments, it would, in my opinion, be productive of very beneficial conſequences.

I am happy in being able to add, that I never felt a greater degree of confidence in the ſteadineſs of the battalions at this ſtation; and I ſhall loſe no time in urging Officers commanding corps at other places to uſe the ſame caution in quelling the ferment that may exiſt among the Officers under them, and pointing out the abſolute neceſſity of ſtrict adherence to duty, and obedience to the orders of Government.

I have the honour, &c. &c.
(Signed) P. STUART,
L^t Col. comm^g Travancore.

L^t Col. Barclay,
&c. &c. &c.

My dear Sir,

On the receipt of your Diſpatch yeſterday afternoon by expreſs, under date the 26th inſtant, I took ſuch ſteps as appeared to me moſt calculated to carry the meaſures thereby conveyed into immediate execution, having firſt taken every precaution to prevent communication being received from any quarter previous to my making known the ſubject of your Diſpatch, but which was fruſtrated through the medium of private hands.

After drawing up the encloſed Paper, for the purpoſe of being ſubmitted to the Officers, I directed a meeting of them at my quarters this morning at nine o'clock.

At an early hour I was informed, that intelligence had been received laſt night from the Camp at the Mount, ſtating, that the Declaration preſented to the Officers of the Force had met with univerſal refuſal of ſignature. Accounts about the ſame time were received from Seringapatam, Bangalore, and Hydrabad, of the ſteps which the Officers of the Coaſt Army had followed at thoſe ſtations, and which are of courſe now in the poſſeſſion of the Honourable the Governor in Council.

Such meaſures, you may conclude, tended not a little to influence the minds of the Officers of this garriſon; and I am under the painful neceſſity of informing you, that the required Declaration has not been made by a ſingle Officer belonging to this garriſon.

[No. 2. C.]
Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

It is now for me to inform you how far I have been able to carry into effect the measures intended to follow such a result. It will occur to you that the alternative possessed by Officers commanding Divisions was not in my power, having no Officers of His Majesty's Service to resort to, and no one but myself to perform all the duties attached to the command of the corps and garrison. I have therefore, as far as in my power, deprived them all of military functions, and the detail of duties, parades, &c. is now conducted by the Native Officers, assisted by the Fort Adjutant and the Adjutant of the battalion, who are indispensably necessary in carrying on the common routine of business, and in whom I have been accustomed to place confidence, and still have reason to do so.

With regard to stating to the Native Officers the nature and existence of the present measures, I have done so to the extent of the instructions conveyed by your Dispatch.

I have no hesitation in expressing a belief, that if intelligence had not been received from Col. Hare's camp, that the Declaration would have been in some instances signed; and although I am convinced of my personal influence over this battalion, still the late system of a frequent change of Commanding Officers leaves a doubt in my mind if that influence is general, so as to be turned to advantage The late occurrences at Masulipatam, Hydrabad, Seringapatam, &c. seem, unhappily, to confirm this doubt.

Waiting the further instructions of Government,

I remain, &c. &c.
(Signed) ROSS LONG,
L^t Col^l Comm^g.

Vellore,
28th July 1809.

To the Officers of the 2d Battalion 11th Regiment Native Infantry.

Gentlemen,

I am directed by the Government to convene you, for the purpose of calling to your serious attention that spirit of insubordination now prevailing amongst certain parts of the Company's Army.

The Government are persuaded, that a number of the Company's Officers will be impressed with the sense of the danger which the infatuated conduct of a party of disaffected men threaten to themselves and their country; and that you will avoid all part in a course of proceeding of the deepest guilt, and pregnant with the most fatal consequences.

The undiminished power of the Government is in this country so indispensable to its existence, that any course of proceeding calculated to weaken its authority, or impair its energy, would be productive of the most imminent danger to the preservation of the Empire.

The actual state of affairs, and the necessity of averting such serious dangers, have rendered it requisite that the Government should ascertain the sentiments and principles of the Officers entrusted with authority under it. The Government do not suspect individuals, but when so great a portion of the Army has manifested a determined spirit of sedition, it is essentially requisite that the zealous and faithful should be distinguished from those who are indisposed to support the authority of Government; and that the latter should be no longer permitted to exercise functions which they are unwilling to employ in the service of their country.

For this purpose I submit to you a paper, requiring a Declaration of your allegiance to Government; and from the long time I have known the 2d Batt^n 11th regiment, who have been ever foremost in their loyalty and attachment to the constituted Authorities, I anticipate their general acknowledgement of the principles expressed in that paper; should there be however any *one* who decline to afford the pledge now required of them, they will be removed from the immediate execution of duty with the battalion to some particular station, where they will be allowed to remain on the receipt of their ordinary allowances until the situation of affairs, and the temper of their minds, admit of their being employed with advantage to the State. Such Officers can have no reason whatever to complain of this measure, or consider it a hardship; for they cannot expect that the Government will entrust them with an authority which they are not willing to employ in its support.

Vellore,
28th July 1809.
(Signed) ROSS LONG,
L^t Col. Comm^g.

(Private.)

Dear Barclay, Cranganore, 23d July 1809.

I have not heard further from Colonel Stuart. Enclosed is a short Note from Mr. Macaulay, whom I am obliged to call upon, on account of my state of health; the reports respecting the disposition of the Nayrs again to rise, have been no doubt set on foot by designing men.

Upon the subject of the unhappy ferments in the Army, I explained myself fully to Major Blacker when here; had what was then suggested been adopted, it is my opinion that discipline and good order would have prevailed.

I remain, dear Barclay,
Your's sincerely,
(Singed) MACAULAY.

Lieutenant Col^l Barclay,
&c. &c. &c.

My dear Uncle,

You will have heard from Colonel Stuart the reports that are in circulation, respecting the disposition of the Nayrs.

I believe that Mr. Arthur is author of some of them.

Think

Think of the Officers commanding the Native corps having each ordered a piquet of 100 men, under an European Officer, to prevent their being ſurprized and diſarmed by Colonel Stuart! this is open mutiny.

[No. 2. C.]
Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The day being bad, I am doubtful if I ſhall ſtart before to-morrow.

Your's very truly,
(Signed) K. MACAULAY.

(Confidential.)

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I have the honour to acknowledge the receipt of your letter, requiring of me to make a Report of the ſtate of the Troops under my command, for the information of Sir George Barlow.

To report the real ſtate of affairs without any reſerve, and even to offer an opinion thus confidentially, when I think it may benefit the country, I have always conceived it my duty; and though I may have to ſtate facts which give me the deepeſt concern, and which muſt be diſtreſſing to the ear of Government, ſtill I ſhall continue to do ſo, and nothing ſhall damp my ardour.

You require of me to employ the moſt effectual meaſures to maintain the order and diſcipline of the Company's Troops. It becomes me then to ſay in unequivocal terms, that the authority of Government, as it tends to proſecute meaſures againſt the Officers who have incurred their cenſure, is totally diſregarded. It would be impoſſible for me to enforce any order, however trivial, that was known to have that tendency; a compliance with my requeſt might induce the Officers to concede ſome points, and many have been obtained in delicacy to me; but I repeat, nothing can be enforced. It is well known, that all the Officers (Staff excepted) are ſworn to ſupport each other. They know they muſt ſuffer if they fail in the preſent ſtruggle, and that nothing is left to them without unanimity and perſeverance.

It is no longer now the juſtice of their cauſe they pretend to maintain, on the contrary, they know how unjuſtifiable have been their proceedings, that the charge of mutiny muſt even attach to them. But the greater their error is, and the ſtronger they are tainted with crime, the more neceſſity appears to them to hold out in the preſent cauſe.

To check the circulation of opinions and reports unfavourable to Government, has always been a great object of my attention; but for theſe two months paſt, that has been impoſſible. Before the ferment had ariſen to ſo great a height, and that the Army had organized its oppoſition, I was enabled in a great meaſure, through the Staff and Commanding Officers of Corps, to check the propagation of thoſe reports, which were often evidently circulated with the moſt malicious intent; but it is long ſince Commanding Officers of Corps themſelves have loſt the influence they ought to poſſeſs, particularly ſince they have let part of their authority fall into the hands of Committees, whoſe power ſeems uncontroulable.

As to the Sepoys, there is no doubt they have long eſpouſed the cauſe of their Officers. They have, I underſtand, been made to believe that the European Officers were about to be deprived of a conſiderable part of their allowances, and that it would probably be a prelude to greater reductions, which might affect themſelves; whoever is well acquainted with their diſpoſitions, muſt be convinced how eagerly they would liſten to ſuch a ſubject, and enter into ſuch a cauſe they have been made believe ſo nearly affects their intereſt.

To attempt to ſet the troops againſt their Officers, in a country where treaſon is ſo infectious, and when its effects may prove ſo fatal, would never be a remedy reſorted to by any one, except in a caſe where no doubt could exiſt of its producing a ſafe and perfect cure, and I ſhould conceive myſelf guilty in the extreme, did I not ſay I am convinced the attempt would completely fail; and the beſt that could be expected from the meaſure would be, the total diſorganization and ruin of the Force.

His Majeſty's 33d regiment is at my command, and I have no doubt, thoroughly to be depended on; but ſurely no man of reflection will ever pretend that with a regiment of 500 effective men, I could ſucceed, and force obedience to my command againſt a firmly united body of four complete battalions of Infantry, a regiment of Cavalry, and a large body of European Artillery. The 33d regiment would, I am ſure, do its duty; but I ſhould never be excuſed for engaging them in a conteſt which would prove their deſtruction, and I have no doubt be followed by a ſcene which can be better conceived than deſcribed. But ſuppoſing for a moment I could, after a bloody conflict, maintain a temporary authority, there is, at the call of the troops ſtationed here, a force in the field conſiſting of three battalions of Infantry, two regiments of Cavalry, with Horſe and Foot Artillery, which it requires every act of perſuaſion to keep from ruſhing into action. By coercive means to enforce the authority of Government, I again repeat, is impoſſible; and I pledge my character as an Officer, that to make the attempt would be a wanton ſacrifice of blood, cauſing the moſt fatal animoſity among the troops, and leading to ruin of which the extent cannot be foretold.

I fear, by the removal from command, Government is already diſpleaſed at the freedom with which I have delivered my opinion; but they may be aſſured, there is not in His Majeſty's ſervice an Officer who has been more zealous in the ſupport of their authority, who has been more indefatigable in checking the promulgation of ſentiments contrary to the principles of diſcipline and ſubordination, and in perſuading the Officers how ſacred a duty it was to uſe the arms with which they were entruſted, for the ſupport of legal authority.

There are Officers who ſhudder at the idea of the miſeries they probably may cauſe by the preſent

[No. 2. C.] Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

preſent proceedings; but the effect of all reaſoning is loſt. They are aware of the exceſſes they have committed, and acknowledge the extent of their guilt; but the conſciouſneſs of it, inſtead of making them recede, ſeems only to make them more deſperate. It is no longer the ſecret meeting of the ſeditious, intriguing to gain certain ends; it is the open determined oppoſition to Government, as the laſt reſource of deſpair.

It is then evident, that a general confuſion in the Force would be the immediate and inevitable effect of any coercive act of mine; and that it is of the utmoſt conſequence I ſhould endeavour to prevent it. To check any ſudden and violent commotion has been a great rule of my conduct during the preſent ferment of the Army, and I ſhall think it my duty to adhere to that rule as much as poſſible, until the period I make over my command to the ſuperior judgment of Colonel Cloſe. In the mean while I ſhall exert the utmoſt of my ability in ſupport of Government, and truſt with confidence, that my conduct will be ultimately approved of.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) THOs G. MONTRESOR,
Lieut. Colonel.

Secunderabad,
24th July 1809.

(Private and confidential.)

Lieutenant Colonel R. Barclay.

Sir,

I have the honour to acknowledge the receipt of your private Diſpatch by expreſs, which arrived yeſterday afternoon, with its Enclosures; and have to inform you that every thing is going on here, as far as I can learn, in a quiet and regular manner.

In yeſterday's Diſpatch I mentioned, that the only aſſiſtance I had was from the Adjutant of the battalion; ſince which, the latter has declined acting, as I ſuppoſe, from his having been inſtigated to do ſo by his brother Officers. The former did not, from any inclination of diſobeying orders, refuſe his ſignature to the required Declaration; nor did the other; but both were prevented by the threat thrown out, which was, that if they ſigned, their lives ſhould anſwer for it. It is my opinion that moſt of the Officers, and particularly the younger part, as far as I could judge from their countenances, were averſe to a refuſal of ſigning the Declaration.

I hope you will recollect that the above is confidential.

(Signed) ROSS LANG,
Lieut. Colonel commg.

Vellore,
29th July 1809.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I have the honour of acknowledging your ſecret and confidential Letter of the 14th inſtant, conveying the Honourable Sir George Barlow's order, that I ſhould communicate confidentially the ſtate and temper of the Native corps in this command; in compliance with this, I inform you that the three battalions are commanded by mild and ſenſible men, one of whom I heard reprobate the requeſt for reſcinding the Order of the 1ſt of May, as being of a nature not to be granted; nevertheleſs I have not obſerved any thing to warrant an aſſertion, that they do not all agree with the diſſatisfied part of the Army in general opinions, and I firmly believe that they can influence their Officers. With regard to the Sepoys, I cannot form a judgment; they are as well behaved as can be wiſhed for.

There is an Addreſs from the Bombay Army, or a part of it, to the Carnatic Army; I never ſaw it, and was the laſt perſon here who heard of it. I underſtand that it is ſpoken of with exultation. It muſt afford infinite gratification to His Majeſty's troops to obſerve, that they enjoy the Honourable Governor's confidence, and I can aſſure him that it is not miſplaced in the 80th regiment.

I ſhall pay every attention to the other parts of your Letter; and have the honour to be, Sir,

Your obedient Servant,
(Signed) BEN. FORBES, Lieut. Colonel, commanding 80th Regiment and the Troops in Malabar and Canara.

Cannanore, 21ſt July 1809.

To the Honourable Sir G. H. Barlow, Bart. K. B. Governor in Council, &c. &c. &c.
Fort St. George.

Honourable Sir,

Par. 1. I beg leave to acquaint you, that the day before yeſterday it was reported to me that the Company's Officers at this ſtation, when they heard of the aſſembling of a Force near the Preſidency, determined to write to their aſſociates at Jaulna, to recommend that a regiment of Cavalry, and the troops of Horſe Artillery ſhould march immediately to Hyderabad, and that the remainder of the detachment in Berar ſhould be prepared to move towards the capital at a ſhort notice. I underſtand that the Officers at this ſtation have no doubt that their requiſition will be immediately complied with, and they ſeem to expect that the Troops they have ſummoned to Hyderabad will commence their march about the 27th or 28th of the month.

2. It would appear that the requiſition made by the Officers at the ſtation has been occaſioned by the impreſſion produced on their minds by the knowledge of the intention of Government

vernment to aſſemble a Force near St. Thomas's Mount, and by a report, the 34th and 59th regiments were ordered to march to the place from Bellary and Bangalore. [No. 2. C.]

3. It was imparted to me in a confidential manner, "that if I could give any pledge or "aſſurance that none of His Majeſty's regiments ſhould march to this place, or that knowing "of any regiments being on their march, I ſhould do all in my power to ſtop their further "progreſs until a final anſwer ſhould arrive either from Madras or Bengal, it was poſſible "that the Officers would ſuſpend any movement from the Jaulna Force for the preſent." To this communication I replied, that I had received no information, public or private, that the 34th or 59th regiment had been ordered to march towards Hydrabad, and that I could not give the ſlighteſt credit to ſuch a rumour. That it was impoſſible for me to give any pledge or aſſurance reſpecting the future meaſures of the Madras Government; indeed, the Government would not be committed by ſuch a pledge, for it would of courſe act as it thought proper. I concluded by earneſtly requeſting that no movement of the troops in theſe territories might take place. Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

4. I am concerned to inform you, that my remonſtrances were of no avail, for laſt night I heard that the Officers could not be perſuaded to withdraw the requiſition which they have made to their aſſociates at Jaulna.

5. It is ſtill to be hoped that Lieut. Colonel Doveton may have the means of perſuading the Officers under his command to refuſe an immediate compliance with the requiſition of the Officers at this ſtation; but I thought it incumbent on me to prohibit, in the moſt formal manner, the movement of any part of the detachment in Berar; and I have the honour to tranſmit to you a copy of the Letter which I addreſſed upon this ſubject to Lieut. Colonel Doveton.

6. If any part of that detachment ſhould actually have marched from Jaulna, I ſhall tranſmit to the ſenior Officer with it a copy of my Letter to Lieutenant Colonel Doveton, and I ſhall poſitively direct him to return to the cantonment in Jaulna.

7. I received a letter this morning from Colonel Cloſe, who propoſes to leave Poonah by the 28th of this month, and may be expected at Hydrabad by the 3d or 4th of Auguſt.

I have the honour to be, Sir, with great reſpect,
Your moſt obedient humble Servant,
(Signed) THOS SYDENHAM, Reſident.

Hydrabad, 28th July 1809.

To Lieutenant Colonel Doveton, commanding the Detachment in Berar.

Sir,

I have received intelligence, of which I cannot doubt the authenticity, that the Company's Officers at this ſtation have written to their aſſociates at Jaulna, recommending that a regiment of Cavalry, and the troop of Horſe Artillery, may march without loſs of time to Hydrabad. I alſo hear that the remainder of the detachment in Berar has been called upon to be prepared to move at a ſhort notice towards this capital. Theſe movements are evidently preparatory to the march of the Subſidiary Force from theſe territories to the Carnatic, for the proſecution of deſigns avowedly hoſtile to the eſtabliſhed authority of the Government of Fort St. George.

The Officers at Jaulna muſt know that the Company is bounden by Treaty to maintain a certain force of Britiſh troops in theſe territories, for the expence of which force, the Company acquired the perpetual ſovereignty of the Ceded Diſtricts. The Officers muſt equally know the Company is pledged, on the faith of a public Treaty, ſolemnly concluded and ratified by both States, to defend our Ally the Nizam againſt all external and internal enemies; the Subſidiary Force was ſtationed in advance to maintain the internal tranquillity of Berar, and to protect the frontier of that province againſt the attacks of external enemies. This arrangement, which aroſe out of our engagements with this State, was adopted under the immediate orders of the Supreme Government, and has been highly approved of by the Court of Directors; the Officers muſt be conſcious that they cannot leave the honourable ſtation which had been aſſigned to them on the frontier, without diſobeying the orders of their immediate Commanding Officer, diſavowing the controul of the Reſident, and acting in wilful and poſitive contempt of the authority of the Supreme Government of India.

The intelligence which has lately been received from the Northward, and with which you are acquainted, muſt convince the Officers that the preſence of the whole Britiſh detachment in Berar is indiſpenſably neceſſary to the ſecurity of that province. The army of Holcar is within 40 miles of the Nerbuddah; the army under Meer Khan is in Bopal; there are thouſands of Pindarries near Mollage; the combination of thoſe troops would create an army of 25,000 horſe, 10,000 foot, and 80 guns. Thoſe troops are deſperate from want of pay; they ſubſiſt upon plunder, and they are anxious to partake of the little fertility which yet remains in the Deckan. They are prevented from attacking the territories of our Ally, merely from the dread of encountering a Britiſh force. If that force be withdrawn, there can be little doubt that the combined army would enter Berar, directed by the military talents of Meer Khan, and by the vindictive ſpirit of Moheput Ram. All the brilliant actions of the late war, which ſhed ſuch a luſtre upon the character of our Army, would have been fought in vain. The ſtupendous edifice of Police, reared by the wiſdom of Lord Welleſley, and brought to perfection by the ſpirited efforts of our troops, and at an enormous expence to the Company, would inſtantly fall to the ground.

I confeſs to you, Sir, that I ſhall flatter myſelf with this expectation, that the Officers at Jaulna will be too ſenſible of the extent and importance of the national intereſts entruſted to their ſpecial charge to abandon their honourable poſt, and to leave the frontier expoſed to

[No. 2. C.]

Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

thoſe dangers, againſt which the Britiſh Government is ſolemnly pledged to defend this State. Even at this late period, I am unwilling to relinquiſh a hope, which is founded in my confidence in their loyalty and patriotiſm. It is this confidence which prompts me to raiſe my voice againſt a meaſure, which, if put into execution, carries with it a flagrant violation of a ſpecific Article of a Treaty, to the ſtrict obſervance of which the Supreme Government of India, the Company, and the whole Britiſh Nation, are bounden by the moſt formal and ſolemn engagements. The Officers are about to commit an unjuſtifiable breach of the public faith, which is deemed ſacred by the leaſt civilized nations on the earth, and for the ſtrict and ſcrupulous adherence to which the Britiſh Nation has hitherto been proudly diſtinguiſhed; they are about to bring diſgrace and diſhonour upon a name which has hitherto been untarniſhed; they are about to ſubvert thoſe principles which have not only rendered the Britiſh Government the conſpicuous object of the confidence, reſpect, and reverence of all the States of India, but which are neceſſary to the very exiſtence of political ſociety.

Can it be imagined for one inſtant, that the Natives in theſe territories will ſeparate the act of the whole Subſidiary Force from the act of its Government? And if, from the abſence of the Britiſh troops, an internal commotion, and the invaſion, plunder and devaſtation of this country be, as they probably will be, the immediate conſequence of the march of the Subſidiary Force into the Carnatic, will not all the dreadful calamities which I have mentioned be imputed to our deſertion of an Ally, whom we are engaged by the moſt ſolemn Treaties to ſupport and defend?

But if we were to admit that the Natives could be perſuaded to ſeparate the act of the Army from the act of the Government, and to believe that the Government itſelf was faithful, as it always has been and always will be, to its engagements, what is the concluſion that will immediately occur to them? They will conclude, that the Government has no longer any power over the acts of its Army; that the Army, whenever it thinks proper, can withhold its obedience, and can combine againſt that Authority which has hitherto been eſteemed inviolable.

Let the Officers conſider the ſituation to which they will reduce the Repreſentative of the Britiſh Government at this Court. If he conceals the real cauſe of the march of the Subſidiary Force to the Carnatic, he ſubjects the public faith of the Britiſh Government to the worſt imputations. If, to vindicate his Government, he acknowledges the exiſtence of an inſurrection, and the termination of all controul and authority over the troops, he forfeits his own influence with the Court, and betrays the weakneſs of the power which he repreſents; ſo that, whether the Natives ſeparate or connect the acts of the Subſidiary Force, and the acts of the Government, the moſt deſtructive conſequences to our influence, dignity, honour and ſafety, muſt inevitably follow.

It cannot be unknown to the youngeſt Officer, that not only the predominance of our power, but even our ſecurity in this country, depends upon the opinion which the Natives have formed of our inclination and ability to perform all our engagements, and of the perfect obedience of the Army to the Government. They are well aſſured, that as long as we are true to others and to ourſelves, we can never be overpowered. If once they aſcertain that we are diſunited amongſt ourſelves, and that we have not the ability to perform our engagements to others, it requires no great ſagacity to foreſee that the deſtruction of our empire is not very diſtant.

It was pointedly and emphatically ſaid by Mr. Haſtings, that the Britiſh Empire in India was merely an empire of opinion. This may, indeed, be ſaid of every Government of the few over the many; but it is more particularly the caſe in India. Now this opinion, upon which the exiſtence of the Empire is acknowledged to depend, will be deſtroyed by the very act which the Officers of the Subſidiary Force have in contemplation.

I ſhould ſincerely hope that there is no Officer, however debaſed by his paſſions, who to procure redreſs for his grievances, will deliberately juſtify an act of open reſiſtance againſt the legal and eſtabliſhed authority of Government. If thoſe grievances were ten times as numerous as they repreſent them to be, it will not, I truſt, be aſſerted that redreſs would be inſiſted upon, though the Government itſelf be deſtroyed in the attempt; but the Officers ſeem to conſider themſelves irrevocably engaged by certain pledges and promiſes, from which they think they cannot recede with honour to themſelves. A promiſe from one Officer to another, is aſſuredly a ſolemn obligation, and ſhould not be lightly abandoned. But the Officers ſhould ſeriouſly reflect, that there are ſacred pledges and promiſes, which are antecedent and ſuperior to thoſe that they have given to ſupport their preſent deſperate undertaking. In giving a pledge to ſupport a hoſtile combination againſt the Government, the Officers ſhould recollect, that they violate all their ſolemn obligations as ſoldiers and ſubjects. No promiſe to perform an illegal act can be legal, no engagement ought to be conſidered to be binding which is itſelf a violation of all prior and ſuperior engagements. The duty of a ſoldier to his Superiors, and of a ſubject to his Government, is paramount to this duty to a brother Officer. It would be eaſy to ſhew the dreadful conſequences to which the contrary principle would inevitably lead.

The preſent is not a partial queſtion, regarding the grievances of the Army, the Orders of the 1ſt of May, or the late tranſactions at Maſulipatam. The matter now to be decided upon is, whether the Officers of Jaulna, on a ſummons from their brother Officers at Hyderabad, will abandon all the important national intereſt, which it is their firſt and moſt ſacred duty as ſoldiers to defend; and whether they will act in direct diſobedience to the Orders of the Supreme Government?—The next queſtion to be determined, is, whether the Officers

of

of the Subſidiary Force will deliberately conſent to an act which involves a flagrant breach of the public faith, and a groſs violation of the ſolemn engagements by which the Britiſh Nation is united with the Government of his Highneſs the Nizam. [No. 2. C.]

I ſtill hope that theſe conſiderations may have effect on their minds, and I therefore requeſt that you will read this letter to the ſenior Officers of the detachment under your command; you will tell them explicitly, that as the Repreſentative of the Governor General, I call upon them to remain ſteadily at their poſt, and that in the name of the Governor General, I prohibit, in the moſt ſolemn and formal manner, the march of any part of the detachment towards Hyderabad, and any movement that is not made under the authority with which I am inveſted by the Supreme Government of India. Enclosure No. 19. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I have the honour to be, Sir,
Your moſt obedient humble Servant,
(Signed) THOs SYDENHAM,
Reſident.

Hyderabad,
28th July 1809.

(True copies.)
(Signed) A. FALCONAR,
Chief Secy to Government.

Enclosure, No. 20.

To Lieut. Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I HAVE the honour to make this communication under the belief that the Honourable the Governor will be pleaſed to receive it as confidential, and in the hope that he will not diſapprove my conduct.

Some days ſince, I received a requiſition from the Chief Collector of Malabar, for an eſcort for treaſure to the Preſidency, but a report has been circulated here to-day, which has induced me to recal it, and I have propoſed to Mr. Warden to ſuſpend the execution of the Orders. I have alſo confidentially propoſed to the Zillah Magiſtrate at Tellicherry, and to the Collector in South Malabar, to have their treaſure in readineſs to be forwarded, in caſe of neceſſity, to this Fort. I ſincerely hope that my precaution is not requiſite; but, conſidering your confidential letter of the 14th inſtant, and that if any troops at a diſtance from this ſhould make any unauthorized movement, they might ſeize any treaſure they could, yet I think proper to adopt it, becauſe it cannot be known unleſs manifeſtly neceſſary.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) BENJ. FORBES,
Lieut. Colonel commanding in Malabar and Canara.

Cannanore,
July 25th 1809.

I ought to have mentioned the nature of the report; it is, that the Maſulipatam garriſon has moved towards Hydrabad with ſix lacs of Rupees; if treaſure is ſent here it will be under guards of Kolkars.

(Signed) BENJ. FORBES,
Lieut. Colonel.

(Private)

Dear Barclay,

I encloſe you two Letters from Colonel Stuart, conveying dreadful intelligence reſpecting the reduction of the Force in Travancore. I concur in opinion with Colonel Stuart, that it ſhould not be conſiderably reduced, if circumſtances could admit of it, not at leaſt for another year. I pray God that all may be ſpeedily and happily adjuſted.

Cranganore,
24th July 1809.

Your's, ſincerely,
(Signed) C. MACAULAY.

Lieut. Colonel Barclay.

My dear Colonel, Quilon, 21ſt July 1809.

I think it neceſſary to mention to you a circumſtance that occurred here the day before yeſterday, which, though there may be nothing in it, appeared at firſt a little ſuſpicious.

It was reported to me early yeſterday morning, that a Jemidar and 40 Nairs had come into the Bazar here the day before, ſent on ſome buſineſs by the Rajah. They came in not dreſſed, as I underſtand the Rajah's people uſually are, not with any ſtaff or badge of office, but merely with their waiſt cloaths. The Jemidar is ſaid by ſome to have been a Havildar in one of the late Nair battalions, by others to have had the charge of the late Dewan's horſes; be that how it may, he is lately appointed a Jemidar. I immediately ſent to try and lay hold of the gentleman, to enquire what buſineſs he was come upon, but they had every one diſperſed. The man to whoſe houſe they came, ſays, they were ſent by the Rajah, in conſequence of hearing that ſome of the battalions were going to march, to diſperſe themſelves in all villages and roads leading to the cantonment, to prevent beetle or any ſuch articles being brought into the Sepoys to ſmuggle; and that if I choſe to ſend out, I would find them all poſted as he deſcribed. You will beſt know whether ſuch a thing is uſual, or whether there is any thing extraordinary in ſuch a proceeding.

I confeſs myſelf, I have ſtrong ſuſpicions if the battalions now ordered out of the country are withdrawn, that the Natives will create ſome freſh diſturbances, particularly as very few

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[No. 2. C.]

Enclosure No. 20. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

of the Nairs, from what I can learn, have ever returned to their houſes or villages, and probably only wait for a good opportunity of making the attempt.

I thought it my duty to write to the Commander in Chief, to expreſs my diſapprobation of the force being ſo much reduced, and the conſequences that might enſue from ſuch a meaſure.

Is there any chance of our having the pleaſure of ſeeing you here ſoon?

I remain, my dear Colonel,

Your's, very ſincerely,

(Signed) P. STEWART.

My dear Colonel, Quilon, 22d July 1809.

Notwithſtanding the fatal conſequences that muſt enſue from ſuch a ſtep, ſorry I am to ſay that I have reaſon to believe, from ſome private communications that have been made to me here, that a movement has, ere this, taken place among the troops to the Northward, for the purpoſe of oppoſing Government, and ſupporting the garriſon of Maſulipatam, which has been for ſome time in a ſtate of mutiny.

One of the obſervations made to me on the ſubject was, that the Army was aware that ſome of the Officers of that garriſon had forfeited their lives by their conduct; and that their brother Officers were determined to ſave them from the puniſhment which would moſt probably follow.

His Majeſty's 30th regiment is reported to have marched from Trichinopoly to embark at Negapatam for Maſulipatam; and the 69th is ſaid to be under orders at Madras for the ſame purpoſe.

Government appears to be fully aware of what is going forward. A General Order arrived here yeſterday, which directed the corps of cavalry and infantry, ordered to the race courſe, to be formed there, into two brigades, the whole under the command of Colonel Hare of the 22d dragoons.

An anoymous Addreſs to the Army, of a moſt mutinous and dangerous tendency, ſigned, "An Officer," was ſent to me here ſome days ago. It came from Trichinopoly, and I ſent it up immediately to Government. I afterwards communicated what I underſtood to be the ſentiments of moſt of the Officers of the Travancore force, and thoſe, I am ſorry to ſay, concur with the reſt of the Army, with this exception that has been hinted to me; that it is the wiſh of the Officers of the three corps ſtationed here to remain quiet and peaceable, for the defence of the country, provided no violence is attempted againſt them; that they will obey all orders except one, which is, to march againſt their brethren.

What the ſentiments or intentions of the battalions at Aleppe and Cochin may be I cannot be ſo well informed; but I truſt that reflection on the conſequences may make them remain quiet alſo. I wrote to Government to ſay, that in the preſent dreadful criſis, if I could keep the troops peaceable here, it would be as much as could be expected. The only danger is, that if the Sepoys hear of the reſt being in arms to the Northward, all the exertions of their Officers may not be able to keep them in a ſtate of ſubordination.

Every man who reflects a moment, muſt ſhudder at the awful conſequences that muſt reſult from ſuch proceedings.

In ſhort, whichever party gains its point, if the military once take up arms againſt the Government, from ſuch a dreadful example ſhewn to the Native troops, India will be loſt to us for ever.

I am ſorry to add, that the ſame ſentiments pervade the Bombay Army, and that they have written to ſay, that they are ready to join in any thing the Madras Army may attempt.

I remain, my dear Colonel,

Your's, ſincerely,

(Signed) P. STEWART.

My Dear Barclay, Poona, 24th July 1809.

I had the honour of writing to Sir George Barlow yeſterday; after a full examination of the point, I found that travelling poſt would be the moſt expeditious mode by which I could reach Hydrabad. I have accordingly procured boys ſufficient to poſt from hence to Toogapoor The firſt ſet is ſtarting now, and I truſt the whole will be at the different ſtages in time to allow of my leaving this on the 28th; but in any event, I ſhall uſe the utmoſt poſſible celerity. This I have explained to Captain Sydenham, and as he has been deſired to aſſiſt me with conveyances, I truſt he will be able to get me forward from Toogapore by means of boys, elephants, and horſes, at the uſual rate of poſt.

Although I have not been engaged in any regular correſpondence with the Preſidency, I have had opportunities of obtaining, through different channels, pretty good information of what has been paſſing on the Coaſt. The tranſactions at Maſulipatam I was ſome time ago apprized of, as well as the reſolutions taken at Hydrabad and Jaulna, to march to the Eaſtward, if Government ſhould proceed to act coercively againſt Maſulipatam. I have been alſo made acquainted with the recent confidential communication of Captain Sydenham with Lord Minto and Sir George Barlow, and I have received accounts of the ſtate of things at Maſulipatam, ſince the time of Colonel Malcolm's arrival there; and by a letter which I received laſt night from Captain Sydenham, dated 18th inſtant, I learn with infinite ſorrow, that the company's Officers at Hydrabad had, in oppoſition to an order from Head-quarters, prevented the battalion of the 10th regiment there from marching to Goa, for the purpoſe of a relief

a relief directed by Government. In regard to the Bombay troops compoſing the Poona Subſidiary Force, their conduct, in ſo far as I have obſerved or heard of it, has been orderly and becoming. The reports however, which have prevailed for ſome time, of a correſpondence having been eſtabliſhed between the Company's European Officers of the Coaſt, and thoſe of ſome of Bombay, have found their way here. I have had no cauſe to apprehend from appearances that they were founded, but I judged it proper to mention the currency of them to Mr. Duncan, who aſſured me in reply, that he had no reaſon to apprehend that any ſuch correſpondence had ever commenced; but that as I had mentioned the ſubject, he ſhould make the ſtricteſt enquiries regarding it, and let me know the reſult. Thus ſtood this article until this morning, when a rumour began to circulate, that a letter has been lately addreſſed by the Bombay Officers to the Officers at Jaulnah. The ſource of this rumour I have not had time to aſcertain; more of this article therefore, on a future occaſion. From the nature of the preceding intelligence, it muſt be clear beyond doubt that the Company's corps on the Coaſt are completely organized, and that the European Officers have reſolved not to permit Government to act againſt Maſulipatam or other ſtations, or take any meaſures unfavourabl to the preſent combination; and to move with the troops accordingly, when it may appear neceſſary, either with a view to the above reſtraint, or to their own ſecurity. I mention this reſolution only as moſt undoubted, from my own information, but I apprehend that other reſolutions have been taken of a more active and extreme kind. Previous to the 1ſt May, the troops were obedient, although much agitation had long prevailed amongſt the European Officers in general. Since the publication of the Orders of that date, however, the proceedings of the Officers have been conducted with ſo much induſtry and ſyſtem, as to have given them all the advantages of a complete combination; by which they have become ſo confident, as to have ſet the Orders of Government at defiance in two inſtances. But although in the interval alluded to, the Officers have been ſo buſy in ſtrengthening themſelves, I do not perceive, that Government has been able to take any meaſures of a ſimilar nature. On the part of Government, we have ſeen ſpirit, firmneſs, and dignity, but with theſe qualities, no meaſures of ſecurity, no collection of means. In this apparent ſtate of things, every Officer of rank who is faithful to the Government, ſhould be made acquainted with the nature of its views, and the extent of its real and expected means. We hear that a body of ſix corps is to be encamped at the Mount, and that Orders have been iſſued for aſſembled this Force from Wallajabad and Arcot; but until this body be actually collected, little can be preſumed relative to the effects, which the reſolution for forming it is to produce.

[No. 2. C.]
Enclosure No. 26. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Nothing can be more obvious than this, thatthe authority of Government will be diſobeyed; for where the voice of the Superior is diſregarded, the inferior can have little hope of being heard. I am induced to make this obſervation, from the tone of the late circular letter to the Commanding Officers of ſtations, in which they are deſired to employ the moſt effectual meaſures to maintain the order and diſcipline of the Company's troops under their command, &c. The firſt object of Government muſt be its own ſecurity; and it is evident, that this object muſt depend on the ſecurity of the intereſts committed to its charge. Allow the public intereſts to fall by the occurrence of any ſerious confuſion, and Government, and malcontents, and every European claſs, would receive a ſhock too dreadful to think of. The ſuperiority, then, of the object of keeping the public intereſts ſecure over other objects to be purſued, under preſent circumſtances, muſt be eaſily perceived. The next in order ſeems to be, to recover the obedience of the troops without a ſacrifice, if poſſible. To proceed to attain the latter objects at the immediate hazard of the former, could ſcarcely be judicious; and therefore how to attain it, without incurring ſuch hazard to any ſerious degree, appears to be a primary queſtion for conſideration. It is with a view to this queſtion, poſſibly, that the troops are ordered to be collected at the Mount. It is generally admitted as a ſound maxim, not to hazard the giving of an order unleſs there be a fair ground of preſumption that it will be obeyed. From the apparent circumſtances of the time, the orders ſent to Maſulipatam were perhaps fairly hazarded; but after thoſe orders had been diſobeyed, to ſend orders to Hydrabad for the march of a battalion, might have been regarded as a meaſure in ſome degree exceptionable. The Officers, who have oppoſed the order ſent for that purpoſe, are now more forcibly tied together than before. The extreme of their proceedings is increaſed, and their danger and fear ſincerely heightened. Their impulſe to act is become more violent, and accordingly the loſs to the public cauſe muſt be in proportion to all theſe augmentations. But this is not all. If the meaſure of moving the battalion was meant to be uſeful in having an experimental effect, Hydrabad was aſſuredly the very place at which the experiment ſhould not have been made; confuſion could not be ſo hurtful any where elſe.

One topic only now remains, to which I wiſh to advert. The influence I may be ſuppoſed to poſſeſs with the Natives of the Army, is noted in the letter which Sir George Barlow has done me the honour to write to me; that ſuch an influence might be applicable and uſeful, at an extreme ſtruggle, may be admitted; but could the application of it be hazarded at an earlier ſtage? I have now occupied you long enough for the preſent. I prefer addreſſing you for the advantage of unreſerve. My freedom of diſcuſſion and comment I hope will be taken as a mark of my ſincerity in the public cauſe, and a deſire to be uſeful to my Superiors when I can. I have ſpoken plainly, becauſe my aim is to be ſerviceable; and I truſt Sir George, to whom I have a thouſand reaſons to be ſtrongly attached, will take my ſtrongeſt ſentiments in that light.

I ſhall of courſe be happy to hear from you ſoon, in acknowledgement of this letter.

Your's, my dear Barclay, moſt truly,

(Signed) Bt CLOSE.

[No. 2. C.]

Enclosure No. 20. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To the Honourable Sir George Hilaro Barlow, Bart. K. B. Governor, &c. &c. &c.
Fort St. George.

Honourable Sir,

The alarming reports which are circulated with daily augmenting probability, of sedition and mutiny in a considerable portion of the Company's Army under your authority, appear to call upon every public Officer, and true and loyal subject, to renew his vows of allegiance, to declare his abhorrence of the highly improper proceedings which have taken place, to profess his duty and obedience, and to offer his zealous services to the Government.

I deeply deplore the infatuation which prevails in the misguided part of the Officers of the Army; but I still hope that the dignified firmness of the Government, and the effects of the wisest and worthiest of their brother Officers, will dispel the delusions under which they labour, and reinstate them in that honourable place, which, by their important services, and hitherto undeviating good conduct, they justly acquired. However threatening and formidable the present appearance, I cannot believe that on deliberation, and by choice, a body of British Officers will violate their oaths of allegiance, and stain their laurels with the foul hue of revolt and treason. I cannot believe, while our glorious Mother Country is pouring forth her treasures, and shedding her purest blood in the cause of Freedom, and for the emancipation of Nations, that the portion of her sons to whom she has entrusted the defence and safety of her possessions in this quarter, will rise against the legitimate Authority appointed to govern them, and plunge her into the incalculable and unutterable horrors of civil war. With confidence, therefore, I hope that reason and good sense will soon resume their just influence over minds inflamed by passion, but not tainted, I trust, with dishonour and disloyalty.

I am authorized by Captain John Butler, Mr. Assistant Surgeon Mitchell, M. D. and Lieutenant John Mac Donald, of the 2d battalion 24th regiment, the Officers attached to this station, to state their cordial acquiescence in the sentiments which I have expressed.

I have the honour to be, with great respect,
Honourable Sir,
Your most obedient humble Servant,
(Signed) W. BLACKBURNE,
Resident at Tanjore.

Tanjore,
1st August 1809.

[No. 2.—C.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

Viz.

Further ENCLOSURES in the General Letter of 10th September 1809, from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Ordered, by The House of Commons, *to be printed,*
25*th May* 1810.

[No. 2. D.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Further ENCLOSURES in the General Letter of 10th *September* 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Received per Rattlesnake, 12th March 1810.

No. 21 - - - to - - - No. 32 and 33.

Ordered, by The House of Commons, *to be printed,* 25*th May* 1810.

ROYAL ASIATIC SOCIETY

Enclosure, No. 21.

To the Military Secretary to the Honourable the Governor, &c. &c.

Sir,

I HAVE the honour to inform you, that according to the Orders of Government of the 26th instant I called a Meeting of the whole of the European officers of the Native Corps at Trichinopoly, and read to them the intentions of Government, as contained in that Letter; and explained to them, as much as I possibly could, the disastrous consequences arising from officers associating together to oppose Government; and then tendered to them the pledge to sign, which Government has thought necessary, as a proof of their loyalty. I am sorry to say, that sixteen of them refused to sign; and, on requiring from them their word of honour that they would not interfere, or have any intercourse, during their stay at Trichinopoly, with their troops they had hitherto acted with, they uniformly refused. I then thought it necessary, for the security of general tranquillity, to make them all prisoners, and shall send them to-morrow morning towards Negapatam, under an escort of 200 men of His Majesty's 30th regiment. As I have had this day the pleasure of receiving the intelligence of the complete re-organization of the Army at the Presidency, I have given orders to the officer commanding the escort to liberate the prisoners at Tanjore, on their giving their word of honour to proceed direct to Negapatam, and there remain until further orders. Should they not comply with that request, I have directed that they may be conducted as prisoners, and kept in confinement until orders are received from Government; when, I hope, they will be sent out of the country as men dangerous to it. The whole of the officers of the 6th cavalry, who attended, refused to sign. Major Nuthall, who was sick, did not attend the meeting, but afterwards signed; Cornet Shakespeare, of the same regiment, who is on leave for a few days, has not yet been asked. I have one man only present with the 6th cavalry. Major Nuthall, and two officers of His Majesty's 12th regiment, (Captain Forsteen and Lieutenant Aske) who have been so good to volunteer their services.

Enclosure, No. 21, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have much satisfaction in reporting for the information of Government, that upon communicating with the Native Officers of the different corps at Trichinopoly, since the confinement of the European officers, I found the whole of them loyal, faithful, and ready to act upon any service that Government may think proper to employ them in.

I herewith enclose you, for the information of Government, a return of the officers names who have not signed the pledge.

I have the honour to be, Sir,
Your most obedient Servants,
(Signed) W. WILKINSON,
Colonel commanding 2d Division.

Trichinopoly, 30th July 1809.

Names of the Officers who signed the Pledge:

Major Nuthall, 6th cavalry.—Captains Fotheringham, Engineer; Grant, 24th N. I.; Morrett D°; Frith, 13th N. I.; Francke, Artillery.—Lieutenants Foryhough, 24th N. I.; Hottain, D°; West, D°; Jones, D°; Euring, D°; Godfrey, D°.—Ensigns Done, D°; Grant, D°; Thompson, D°; Allen, D°.—Lieutenants Cunningham, 13th N. I.; Duncombe, D°; Kelso, Ass' Q. M. G. D°; Melbourne, Engineer; Surgeon Gordon, 13th N. I; James, 24th D°.

[No. 2. D.]
Enclosure, No. 22, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Names of the Officers who have not signed:

Captain Paske, Artillery.—Lieutenants Smith, 6th Cavalry; Scott, D°; Jaffries, D°; Turton, D°—Cornet Wolfe, D°; Russell, D°; Leyon, D°.—Assistant Surgeon Hayner, 13th N. I.—Captain Lambert, 13th N. I.—Lieutenant Wilkinson, D°; Stewart, D°; Bentley D°; Ferm, D°.—Ensigns Henderson, D°; Seward, D°.

My dear Sir, Fort St. George, 3d August 1809.

I TRANSMIT you a list of the officers at the Presidency and at Trichinopoly, who have signed the Declaration prescribed by the Orders of the Honourable the Governor in Council, of the 26th ultimo. The List will be sent to you officially by the Adjutant General.

Colonel Wilkinson, commanding the Southern Division of the Army, reports, that on communicating with the Native Officers of the different corps at Trichinopoly, after the Orders of the 26th ultimo had been carried into effect, he found the whole of them loyal, faithful, and ready to act upon any service that Government might think proper to employ them on.

(Signed) R. BARCLAY.

My dear Sir, Fort St. George, 4th August 1809.

SIR George Barlow has received your Letter of the 24th ultimo; and I have also had the pleasure to receive your three Letters of the same date.

The Governor has desired me to express to you his most cordial thanks for the readiness with which you have undertaken the arduous service to which imperious circumstances had compelled him to call you, and the satisfaction of your being already arrived at Hydrabad, where he hopes for every success from the exertion of your talents, aided by your influence over the Native Troops, without whom the European Officers cannot do any thing.

The various circumstances which have occurred since the latest period to which you had received reports, when you wrote to me on the 24th July, and which my subsequent Letters, as well as what Captain Sydenham, when you meet, will apprize you of, will, it is supposed, satisfy you that a period has arrived when the application of your influence over the Natives is not only justifiable but become almost the only resource at Hydrabad and Jaulnah.

The troops in Seringapatam have seized upon the Collector's treasure in Shaker Ganjam, and there is reason to suppose that they have either confined Colonel Davis, or turned him out of the Fort.

I enclose, by Sir George Barlow's desire, a copy of a General Order which was published yesterday; and also copy of a Letter dispatched to Colonel Davis (under cover to Mr. Cole) to-day; and I even venture to send you some copies of a Translation of that General Order into the Hindostannee language, which has been circulated among the Native Troops here.

Lord Minto was to leave Calcutta for this place on the 25th ultimo.
The Royal Artillery from Ceylon are just coming in.

I remain, &c. &c. &c.
(Signed) R. BARCLAY.

To Colonel Close, &c. &c. &c.

Enclosure, No. 22.

To Lieutenant Colonel Barclay, Military Secretary to the honourable the Governor.

Sir,

AT a late hour last night I had the honour to receive your Letter of the 28th instant, by express, conveying to me copies of Letters to Lieutenant Colonel Davis, of the 26th and 27th instant, and directing me, in the event of Lieutenant Colonel Davis not having returned to Bangalore, to proceed to carry into effect the orders of the Governor in Council stated in the Letter of the 26th instant.

Impressed, as I have been, by experience, since I have had the honour of commanding them, with a high sense of the state of discipline, correctness of conduct, and attachment to this country, of the two Native Corps at this station, it could not but be from a most painful and distressing part of my duty to assemble the respectable body of officers composing them, to tender for their signature a paper so evidently implying strong suspicions of their loyalty. In compliance, however, with the instructions I received, the whole of the officers of the honourable Company's service stationed here met at eleven o'clock this forenoon, at my quarters, when I communicated to them the orders of Government, as conveyed to me, and presented the Declaration for signature; with one voice, they professed their firm attachment to their King and Country, their unshaken fidelity to their employers, and their indignation, that while unconscious of meriting suspicion such a Paper should be presented to them; and in firm but respectful language declined subscribing to it, confident that in no instance whatever have the officers of the Company's service under my command, attempted to bias the opinions of their native officers and men, or to estrange their affections from the Government; but, on the contrary, that they have been particularly guarded, not to discuss ever in their presence the causes of their present discontent, or events which have occurred connected with it in other quarters. And viewing with well-founded alarm the probable dreadful consequences of removing the whole of the officers of the two Native Corps, and placing those

Corps

[No. 2. D.]
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Corps under the command of others whom they know to be of a different service to themselves, I ventured to deviate in some degree from the instructions conveyed to me; and on receiving a solemn pledge from the officers, collectively and individually, that they would not in the interim take any step whatever to alienate the affections of their men from the Government, I allowed them to return to their duty with their corps, till I am honoured with further instructions.

I trust the honourable Governor in Council will not condemn my presumption in thus deferring the execution of an order conveyed to me by him, or that he will not for an instant suppose that I have acted otherwise than by an ardent zeal for the public service, and the most anxious desire to contribute all in my power to the preservation of that harmony between the two services, and between the Company's Army and the Government, which I am happy to say, as far as I have had an opportunity of judging, has ever existed among the troops under my command. I trust it will not be considered that the latitude I have taken is greater than the nature of the circumstances I have stated, and the present temper of the times fully warrant. If I have erred, it has been in judgment, but certainly with the best intentions. It will appear to the honourable the Governor in Council, that should he persevere in his resolution of suspending all the officers of the Company's service at this station from the exercise of their military functions, the measure will, at any future moment, be equally practicable as now, while they continue bound in honour to take no steps towards frustrating it; the delay may also enable Government to send other officers of the Company's service to take charge of the two corps, and preclude the necessity of appointing those of His Majesty's service. I have this day communicated to Lieutenant Colonel Davis, commanding this division, my proceedings on this occasion, and shall await such further instructions as I may receive from him or from Government.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed) S. GIBBS,
Lieutenant Col^{l} commanding at Bangalore.

Bangalore, 31st July 1809.

Sir, Fort St. George, 3d August 1809.

I AM directed to acknowledge the receipt of your Letter of the 31st ultimo, to the Military Secretary to the honourable the Governor, and am directed by the honourable the Governor in Council to acquaint you, that while he gives you every credit for your motives for suspending the execution of the orders of Government of the 26th of that month, with respect to the officers of the honourable Company's service at Bangalore, he thinks it proper to desire that you will lose no time in carrying those orders into effect.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) A. FALCONAR,
Secretary to Government.

Lieutenant Colonel Gibbs,
commanding Bangalore.

Enclosure, No. 23.

Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir, Mysore, 25th July 1809.

IT is with the most painful sensation that I address you upon a subject which distresses me even to think of.

Yesterday at 12 o'clock I received the Letters, Nos. 1 and 2, from Lieutenant-Colonel Bell, commanding Seringapatam, stating the hard duty which the 2d Battalion of the 15th would undergo, provided that the 2d Battalion of the 19th left the Garrison.

Nos. 3, 4, 5, and 6, are likewise from that officer, containing three Letters from the officers of the 15th 19th, and the Company of Artillery now under orders for Bangalore.

The bold spirit so strongly expressed in those Letters calls forth my utmost indignations but as the means of compulsion are wanting, I have been under the necessity of complying with Colonel Bell's request, and postponed the movement of the 19th and the Artillery till I am honoured with the further commands of Sir George Barlow.

No. 7, is a Copy of a Letter written by my order to Colonel Bell in reply to his, No. 1 and 2, by which you will perceive that I have complied with Colonel Bell's requisition, at the desire of Colonel Munro, thus far preserving the appearance of discipline.

I am this instant honoured with your Letter of the 21st instant.

As I happen to be at the Residency I have communicated with Mr. Cole; and the 2,000 Seladars will be placed at Cloreput in the course of a very few days.

Every exertion shall be made to equip the troops at Bangalore.

(Signed) HENRY DAVIS, Lieut. Col. Mysore.

(Copy.)

To the Assistant Adjutant General in Mysore.

Sir, Seringapatam, 23d July 1809.

I HAVE the honour to transmit to you for the information of Lieutenant-Colonel Davis, commanding in Mysore, the copy of a Letter addressed to me by the officer commanding the 2d battalion 15th Regiment; every thing therein stated is, I believe, correct, and I have

in

[No. 2. D.] Enclosure, No. 23, in Gen. Letter, Secret Dep. 10th Sept. 1809.

in consequence directed the officers commanding the 2d battalion 19th Regiment to halt till I receive your orders.

The particulars of Major Macdowall's communication (by my desire) to Colonel Davis will be reported.

(Signed) J. BELL, Lieut. Col. commanding.
(A true Copy.)
(Signed) THO. WEBSTER, A. A. Gen. in Mysore.

To the Officer commanding the Garrison of Seringapatam.

Sir,

I CONCEIVE it a duty incumbent upon me to state to you, as officer commanding the Garrison, how very inadequate the 2d battalion 15th Regiment Native Infantry are to perform the duties of this very extensive Garrison, together with the several detachments from it, which have weakened the corps so much, that several non-commissioned officers as well as rank and file are deficient for a single relief of the Garrison Guards, and the quota of men on regimental duty obliged to stand fast.

I addition to the above statement, I feel myself actuated by motives of humanity to attend to the preservation of the health of the men as far as lies in my power, as well as their domestic comforts; with regard to the former, a certain portion of the men are constantly exposed on Garrison and other duties (as strangers) to a climate where numbers are daily added to the sick List, from fevers, colds, and other complaints incident to Natives in this part of the Mysore country.

It is scarcely two months since the 2d battalion 15th Regiment have returned to Quarters, after performing a march of one thousand miles, accompanied by their numerous families and followers, when they and their numerous relatives might naturally expect every reasonable indulgence, a little repose and tranquillity.

I am concerned to say, that since the corps has been left alone for calls of duty, it has experienced the reverse of comfort. Although the men required in Garrison may be permitted in certain proportions to go to their houses, for the purpose of eating their victuals, it is to be remarked, the place of hutting, where the families reside, is far distant from the Fort; they have also to return and perform their Military avocations; besides which, no set of men can stand long under such circumstances, and indeed many of the Sepoys solicit permission from day to day to attend upon a sick father, mother, or child, who have not a single person about them to dress their victuals, or to afford the least relief; under such circumstances I feel it a duty I owe to the service, as well as justice to the corps placed under my command, to submit to you for the information of the officer commanding the Mysore division, which I request may be done as soon as convenient.

(Signed) ROBT. MUNRO, Lieut. Col. Commanding
Seringapatam, 22d July 1809. 2d Bat. 15th Regt. N. I.
(A true Copy.) (Signed) GEO. CADELL, Town Mayor.
(A true Copy.) (Signed) T. WEBSTER, A. A. G.

(Copy.)

To the Assistant Adjutant General in Mysore.

Sir, Seringapatam, 24th July 1809.

I HAVE the honour to transmit to you for the information of the officer commanding the forces in Mysore, copies of Letters which have been delivered to me by the officer commanding the 2d battalion 15th Regiment, and 2d battalion 19th Regiment, Native Infantry, and the officers of the Company of Artillery ordered to Bangalore.

The rumours therein alluded to, which have given so much cause of alarm, have been received from various quarters, and have been strengthened by the very inefficient state in which the 2d battalion 19th Regiment have been ordered to Bangalore; and they are further corroborated by many Native corps being assembled at the Mount, under a large European Force. Considerable apprehension has likewise been excited by reports of Artillery and several European Regiments being daily expected at Madras, from Ceylon and Bombay.

From my knowledge of the temper of the troops at this station I am of opinion that an attempt to enforce the Orders under present circumstances would be attended with a result similar to that which has lately taken place at Masulipatam; and I most earnestly request that no further measures may be taken for the removal of the Company of Artillery, and the 2d Battalion 19th Regiment, Native Infantry, to Bangalore, until the cause of alarm is done away.

(Signed) J. BELL, Lieut. Col. Commanding.
(A true Copy.)
(Signed) THO. WEBSTER, A. A. Gen. in Mysore.

(Copy.)

To the Officer commanding 2d Battalion 15th Regiment.

Sir,

WE, the undersigned officers of the 2d battalion 15th Regiment, have heard, with extreme grief, a report, which has become prevalent at every station of the Army, of the intention of Sir George Barlow to separate the Native Corps and seize the European officers.

The

[No. 2. D.]

Enclosure, No. 23, in Gen. Letter, Secret Dep. 10th Sept. 1809.

The ſerious alarm which this report has excited, and which in a great meaſure is confirmed by the manner the troops are ordered to collect at the Mount, as well as the Regiments and Royal Artillery being ordered and daily expected from Bombay and Ceylon, has induced us to claim your protection.

Under theſe impreſſions you will readily conceive what muſt be the feelings of officers ſteadily attached to the ſervice of their King, Country, and their honourable employers.

(Signed) Major And. Mc Dowall.—Captains A. Lemond; J. Turner.—Lieutenants J. Napier; H. J. Kent; W. Townſend; James Noble;—Enſign A. Mc Cormick.—Lieutenant O. S. Kinnin.—Enſigns Ja. Hume; C Charlwood.

(A true Copy.) (Signed) GEORGE CADELL, Town Major.
(A true Copy.) (Signed) THO. WEBSTER, A. A. Gen.

(Copy.)

To the Officer commanding the 2d battalion 19th Regiment.

Sir,

We, the underſigned officers of the 2d battalion 19th Regiment Native Infantry, having heard with emotions of the greateſt concern that it is the intention of Sir George Barlow to ſeparate the Company's troops, and ultimately to ſeize their officers, under this impreſſion we cannot but feel uneaſy, and therefore beg leave to throw ourſelves upon your protection.

You will readily conceive what muſt be the feelings of officers ſteadily attached to the ſervice of their Country, their King, and their honourable employers, under ſuch impreſſions.

We have the honour to be, Sir,
Your moſt obedient Servants,

(Signed) Captains C. Biſhop; W. H. Loftie.—Surgeon J. H. Jones.—Lieutenants W. J. Smith; H. C. Harvey; J. H. Wright; J. C. Wahal; J. Michael; J. McKonochie; W. H. Redding.—Enſigns D. Donaldſon; W. Peyton; S. Manſell; W. R. King.

(A true Copy.) (Signed) GEORGE CADELL, Town Major.
(A true Copy.) (Signed) THO. WEBSTER, A. A. G.

(Copy.)

To Lieutenant Colonel J. Bell, commanding 1ſt battalion Artillery, &c. &c. &c.

Sir, Seringapatam.

We, the underſigned officers of the 1ſt battalion of Artillery attached to the company under orders of march to Bangalore, have heard, with the utmoſt ſurpriſe and concern, a report which has become prevalent throughout the Army, of the intention of the Governor of Fort St. George to ſeparate the Army and ſeize the European officers; the ſerious alarm thus excited in our minds, and confirmed in a great meaſure by the ſudden removal of the company of Artillery to Bangalore, has induced us to claim your protection.

Under this impreſſion you will readily conceive what muſt be the feelings of officers ſteadily attached to the ſervice of their Country, their King, and their honourable employers.

We have the honour to be, Sir,
Your moſt obedient and faithful Servants,

(Signed) 1ſt batt. Artillery, Capt. Lieut. W. G. Pearſe.—Enſign J. Clemons.—Lieutenant, Fire-worker W. Stuart.

Seringapatam, 23d July 1809.

(A true Copy.) (Signed) GEO. CADELL, Town Major.
(A true Copy.) (Signed) THO. WEBSTER, A. A. General.

To the Officer commanding Seringapatam.

Sir, Myſore, 24th July 1809.

I Have had the honour of receiving your Letter of the 23d inſtant, with a copy of that addreſſed to you by the officer commanding the 2d battalion 15th Regiment, both of which have been ſubmitted to Lieutenant Colonel Davis; and I am by him directed to acquaint you, that, under the preſent circumſtances ſtated in Lieutenant Colonel Munro's Letter, he concurs in the meaſure you have adopted of relieving the 2d battalion 19th Regiment from the duties of the Garriſon, and directs, that the battalion, together with the company of Artillery ordered to proceed to Bangalore, ſhall not march until a reply to a reference on the ſubject is received from Head-quarters.

(Signed) THO. WEBSTER, Aſſiſtant Adjutant-General in Myſore.
(A true Copy.) (Signed) THO. WEBSTER, Aſſiſtant Adjutant-General.
(True Copies.) (Signed) J. FALCONAR, Chief Secretary to Government.

[No. 2. D.]

Enclosure, No. 24, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Enclosure, No 24.

Lieutenant Colonel Barclay, Military Secretary, &c. &. &c.

Sir, Fort of Seringapatam, 29th July 1809.

NOTHING very particular has occurred since last I had the honour of addressing you.

Notwithstanding my very bad state of health I deemed it necessary to come into the Fort this morning, and find that matters here are not mended in their appearance. Colonel Bell assures me that the officers and men are firmly united, and will only give up the point with their lives. Last night a *report* had established itself in the Fort, that I had ordered a body of the Peishwah's troops to surprise the place. In less than an hour the Sepoys manned the Ramparts, and the Artillery, with a number of six-pounders, took possession of the Gates, &c. &c. &c.

To day every thing is quiet, but the spirit of opposition is stronger than ever.

(Signed) H. DAVIS, commanding Mysoor.

My Dear Sir, Fort St. George, 4th August 1809.

SIR George Barlow has desired me to acquaint you that your Letter of the 30th ultimo, to the chief Secretary, has been received, and that all your measures and resolutions meet with his perfect approbation and applause; and that the Letter shall be answered officially, and the congratulatory one to the Rajah on his marriage, which you recommend should be written, without delay.

It was intended to have sent orders to-day to Bangalore, to take all public Letters for you or Colonel Davis out of the Packets, and to deliver them to the Rajah's subadar at Bangalore, to whom I was to have written, and requested that he would forward them by Poorniah's Tappal, but your latter arrangement for the security of those Letters supersedes the necessity of that measure, and it is fortunate that you adopted it so early, as it is possible that the several Dispatches for the last three days would otherwise have been intercepted.

I enclose a letter from the chief Secretary for Colonel Davis open for your inspection, and to be conveyed to the Colonel when you find a convenient opportunity. The copies of the Translation of the General Order referred to in that Letter may be introduced by yourself among the native officers with as good effect as could be expected from Colonel Davis doing it; you may also have the means of sending copies of the same Translations to the native officers of the Company's troops in other stations in Mysore.

I remain, my Dear Sir, yours very truly,

(Signed) R. BARCLAY, Military Secretary.

The Honourable A. H. Cole, to Lieutenant Colonel Davis, &c. &c. &c.

I AM directed by the honourable the Governor in Council to acknowledge the receipt of your Letters of the 28th and 29th ultimo to the Governor's Military Secretary, and to communicate to you the sanction of the Honourable the Governor in Council to any measures that your directions may lead you to adopt for bringing the Garrison of Seringapatam into a state of obedience to the orders of Government.

It may be conducive to this end if you pardon the natives and the non-commissioned and private Europeans, for any thing which they may have been ordered to do contrary to their allegiance, through the influence of their European officers, now the loyalty and attachment manifested by the native troops at the Presidency, in Camp, at the Mount at, Vellore, and at Trichinopoly, from which places only reports have yet been received of the execution of the orders of the 26th ultimo. It is expected that communication, in any manner, to the native officers, of the General Order by Government of the 3d instant, will have a great effect towards separating them from the support of the present measures and plans of their European officers; and to enable you to communicate privately, if necessary, with the Native officers on that points, several copies of Translations of that order are transmitted with this Dispatch.

Sic Orig.

If any considerable effect be produced by that order you may perhaps find it practicable to carry those of the 26th ultimo into effect at Seringapatam. In which event the Garrison might be reckoned upon as secure as soon as you have removed such officers as may refuse to sign the declaration. In the event of your putting the order of the 26th of July into execution, the Governor in Council deems it expedient that the Commanding Officers of Corps, and any others who you may be of opinion have taken an active part in the measures pursued by the Company's troops in Seringapatam, may be excluded from any option of signing the declaration required.

Mr. Cole has been requested to afford you every assistance in his power on all points, but particularly communicating with the Native officers.

(Signed) A. FALCONAR, Chief Sec. to Gov.

Fort St. George, 4th August 1809.

[No. 2. D.]
Enclosure, No. 25, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Enclosure, No. 25.

To A. Falconar, Esq. Chief Secretary to Government.

Sir, Seringapatam, 30th July 1809.

I HAVE the honour to acknowledge the receipt of your Dispatch under date the 26th Instant.

My Letter of yesterday's date to Lieutenant Colonel Barclay will have made the honourable the Governor in Council acquainted with the state of the minds of the officers of this Garrison; and I now have the honour of transmitting to you an Address which was last night delivered to me by a deputation of officers, which seeming to anticipate under a more unfavourable mode of proceeding the instructions contained in your Dispatch, I deemed it expedient, for my own personal liberty, to postpone the execution of the Orders of the Honourable the Governor in Council until I should be able to remove myself and staff beyond the walls of this Fort, it having come to my knowledge that Orders were given to prevent any Officer from leaving the Fort without special permission from the senior officer of the troops. In order to effect this purpose, without giving cause of suspicion, I requested the whole of the European Officers of the Company's service might be desired to wait upon me this morning, which after much hesitation and delay was complied with. I admonished them to return to their obedience to the Government; not to be alarmed in consequence of the report they yesterday heard of the intention of employing the Rajah's troops to act against them, as that was not the case; and in short, endeavoured to tranquillize their minds as much as possible, for their own personal safety; and concluded by telling them that it was my intention to return to Mysore immediately. They replied by assurances of their readiness to obey all *legal* orders, but required from me a declaration that I had received no instructions to seize their persons, and by force separate them from their men. I declined making known to them the Orders I had received from Government, and they then (in the shape of a request that I would remain with them for *their protection*, and to prevent the alarm which my leaving them would create in the then agitated state of their minds) gave me to understand I could not quit the Fort. Thus situated I found it necessary to communicate to them the paragraph of the instructions contained in your Dispatch, regarding the mode which the Government meant to pursue for the disposal of such Officers as were unwilling to enter into the obligation prescribed, and that communication is now under their discussion. I remain in a state of uncertainty with regard to my own situation, whether I am at this moment (2 P. M.) a prisoner or not. At a quarter before three Captain Webster addressed a Letter by my order to Colonel Bell, intimating that it had come to my knowledge that Orders had been given by him that no officer should be permitted to leave the Fort without his authority; and that as it was my intention to proceed immediately to Mysore, I desired Orders might be given to the officers on duty to allow myself and staff to pass the gates without any opposition. To this no answer was sent, but at a quarter past three the Town-Major called and informed Captain Webster that an answer was preparing, and that until it was sent in I could not be permitted to leave the Fort; that Orders not to pass me had been given to the Officers on duty; and that he was then going to repeat those Orders to the guards. He further said that Colonel Bell requested neither myself nor my staff would quit the compound of the house in which we were living. A note which I sent by an orderly trooper to deliver to Mr. Cole at Mysore was stopped at the gate, and returned to me by the Town-Major; the man remains with his horse, and is a prisoner in the gate-guard. At half past three I received the Letter No. 1 from Colonel Bell. At four o'clock Lieutenant Colonel Munro waited upon me with paper No. 2; in answer to which I desired him to inform Colonel Bell that I would make no compromise of my authority; and to tell Colonel Bell, and the other members of the Committee, (for in the course of his conversation it came out that Colonel Bell was one of the Committee) it was my determination to remain no longer in the Fort; and that if the gates were not open to me at five o'clock I could only consider myself a prisoner. At a quarter after Four Mr. Smith the Paymaster called and informed me he had been stopped at the gate, and just at that moment a note was put into his hand from the Town-Major informing him that he could not be permitted to go out of the Fort; at a quarter before Five Lieutenant Colonel Munro returned with Colonel Bell's answer that I might save myself the trouble of leaving the house, as I could not be permitted to pass the gates. At half past six a deputation from the *Committee of Safety* waited upon me to assure me that it was entirely a mistake my being detained in the Fort, as it never was their intention to lay any restraint upon my person or that of my staff, and that the guard at my house was intended as an honorary guard only, &c. &c. I immediately left the Fort and returned to Mysore.

Mysore, 31st July 1809.

NOT having had the means of dispatching the above until a very late hour last night, I was induced to delay it until this morning, in hopes that the accounts of what had taken place at Madras, and in the camp near the Mount (which they were in possession of in the evening), would make some alteration in the conduct of the officers at Seringapatam. No reply has however been yet received to the communication made to them respecting the pledge required. It was not in my power, situated as I was in Seringapatam, to assemble the native officers for the purpose of explaining the matter to them; for although the European officers thought proper to remove the restraint they had placed upon my *person*, I had every reason

[No. 2. D.]
Enclosure, No. 25, in Gen. Letter, Secret Dep. 10th Sept. 1809.

to suppose my authority remained equally invalid. It is therefore my intention immediately to call upon Colonel Bell in my absence to put in force the orders of the Government, and the result be communicated to you to morrow, or as soon as received.

During the whole of yesterday the drawbridges of the Fort were up, and the greater part if not the whole of the Garrison under Arms.

I have the honour to acquaint you that I have this morning taken the necessary measures in concert with Mr. Cole, for searching the public Tappals, and stopping the circulation of all seditious Papers and Letters. I cannot conclude this Dispatch without requesting you will assure the Governor in Council that Mr. Cole the acting Resident, and the Dewan of Mysore, have shown the utmost zeal, alacrity, and ability in forwarding the views of Government on this trying occasion; and I feel that I shall receive from them the most useful assistance in carrying into execution their orders.

I also beg leave to mention that I have directed this month's pay to be withheld from the refractory troops, until the pleasure of Government is known.

I have the honour to be, Sir,
your most obedient Servant,
(Signed) HENRY DAVIS, Lieut. Col. Mysore.

P. S. From the commencement of the present unhappy disturbances it has been my anxious study to avoid having recourse to coercive measures, and nothing but actual necessity will force me to proceed to extremities.

Signed as above.

To Lieutenant Colonel Davis, Commanding in Mysore, &c. &c. &c.

Sir,

The most alarming intelligence for some days has been current (as a former communication already before the Government will have shown) and has now been conveyed to us from other quarters, as the voluntary declaration of some among the oldest and most respectable Native Officers in the service; they clandestinely informed their officers of the most dangerous and detestable means being resorted to by Lieutenant Colonel John Munro to tamper with and seduce, by Native agents, the fidelity and attachment of the Sepoys from their officers, supported by the unjustifiable and groundless accusation, that the views of the European Officers are to subvert the Government; and daring to implicate the Government in this infamous transaction, by holding out promises of future rewards and indulgencies in the name and sanction of that authority; thus adopting a line of conduct directly opposite to the salutary measures which a late Government pursued in times of the most imminent danger to the British interest in India, arising from the effects of a disposition which such machinations cannot fail again to excite.

Under all the circumstances of the present critical conjuncture, which no mind can contemplate but with horror, we, with the confidence of men actuated solely by a feeling for the public safety, most earnestly entreat that you will exert the influence which belongs to your character and situation to interpose with the Government on the momentous occasion, when even the most moderate are compelled, by a sense of common interests, to take part in the cause, in order to arrest the dreadful consequences that must ensue from the dangerous councils which are at present adopted of separating the interests, not only of Europeans and Natives, but even of Europeans themselves.

(Signed) J. BELL,
Lieut. Col. acting for self and officers.
R. MUNRO,
Lieut. Col. Com. 2d batt. 15th reg.
D. C. KENNEY,
Major, Com. 2d batt. 19th reg.

The Company's officers of this Garrison request Col. Davis will have the goodness not to quit the Garrison until the answer from Government to their address of yesterday, and to his intention of not acting upon the orders he has shown them this day, is communicated to them; and that he will assure them those orders have not been acted upon with any of the troops under his command; and that he will make them acquainted whether any violent or coercive measures are meant to be taken towards the Company's officers; or until it may be deemed necessary for the benefit of his health to proceed to the Coast, in which case, however, they further request his assurances that he will issue no orders against their safety.

My dear Sir,

You having, in the conference of this day expressed a feeling of discontent, under the idea that your orders would not be obeyed in this Garrison, I have the pleasure to assure you that every order from you shall be obeyed which does not involve the safety of the Company's officers.

Whatever may be their actions in the present important and emergent crisis, the whole of the officers are anxious to assure you of their unalterable respect and esteem.

(Signed) J. BELL.

Colonel Davis.

To Alexander Falconar, Esq. Chief Secretary to Government. [No. 2. D.]

Sir, Fort St. George.

COLONEL Davis will have detailed to Government the course which matters have taken in the Fort of Seringapatam, and Mr. Casamaijor's communication of the forcible capture last night of the Collector's treasure will prove that the Company's officers are bent upon a very detailed* line of proceeding.

Enclosure, No. 25, in Gen. Letter, Secret Dep. 10th Sept. 1809.

2. Lest some equally violent attempt might be made upon my treasury, I have delivered it over to the charge of the Dewan, and have lodged it in the body of the Fort of Mysore; and it is my intention not to comply with any indent from the Paymaster for the payment of the Company's troops in Mysore until either matters assume another aspect, or Colonel Davis publicly urges me to such a step. Had no outrageous aggression commenced on the part of the Company's troops, as in the instance of Mr. Casamaijor's treasure, I should not have adopted this unpleasant alternative.

*determined.

3. The Dewan's good sense and liberal conduct towards me on all occasions have demanded candour and openness from me. I have therefore explained to him as much of the cause of these proceedings as will suffice to compose his mind, and banish from it all mistrust or apprehension. And I am confident in assuring the honourable the Governor in Council that he received my communication in the most favourable manner, and that his usual good sense and firm attachment to Government prevail at this moment with their wonted strength.

4. Having reason to fear that the Tappaul may be stripped of all public Letters directed to Colonel Davis, or to me, from Government, (for the purposes of concealing and defeating their orders.) I have established a private Dawk on the road between Bangalore and Mysore; our public and private Letters only from Government will be selected from the general bag by a confidential writer at an obscure village on the road, and they will be dispatched to me here without passing through Seringapatam.

5. I anticipate this very night the unpleasant circumstance of Colonel Davis being detained prisoner in the Fort of Seringapatam, or being forcibly obliged to leave it; and I have received intimation that it would be the wish of the officers of that Garrison to surprise my person, as well as that of the Dewan; the latter daring attempt, I can assure the Government, would be fruitless, for we have six thousand well commanded, regularly trained infantry always at Mysore. The Fort, though not strong, is well secured, and no present enemy can disturb our repose, or avail in creating any feeling of apprehension or mistrust.

6. As to myself, I know I have the entire confidence of the Dewan and Mysore Government. I will resist every attempt commenced on the part of any invader; and my whole exertion shall be used in support of this Government, and my personal dignity as a British Representative. I trust no attempt of the kind will be made; and I fear not its event; however, if I am in want of any aid to repel it in case of extremity, of which I have no dread, I will of course demand the services of the European troops at Bangalore; but I deprecate from my soul the idea of shedding blood; and my whole ability and influence shall be eagerly and earnestly employed to prevent so horrible an alternative.

7. Colonel Davis and I are determined to act in these calamitous circumstances with the *utmost degree of moderation*; every act of aggression shall commence on the part of the Company's officers; and such a line of proceeding only shall be pursued (until the orders of Government be received,) as we shall consider absolutely necessary for the security of the British and Mysore Governments, and for the maintenance of mutual confidence and friendship.

8. The honourable the Governor in Council may rest assured that no zeal on my part shall be withheld for the promotion of good understanding and confidence between the two Governments, and no precaution wanting to prevent hostility, or to defeat the views of those who take up arms in defiance of their superiors.

9. I yesterday attended the public Durbar of his Highness the Rajah, upon the second celebration and consummation of his marriage. The usual offerings were presented by me; and I submitted the customary congratulation of the honourable the Governor in Council upon the happy occasion.

10. A congratulatory Letter from the honourable the Governor on the event may be deemed expedient, and would be very gratifying and opportune.

11. Every thing at this Court proceeds in its usual quiet train, and I have not a shadow of idea that any apprehension or want of confidence can prevail.

I have the honour to be, &c. &c.

Mysore, 30th July 1809. (Signed) J. H. COLE,
1st Assistant in charge,

To A. Falconar, Esq. Chief Secretary to Government.

Sir, Fort St. George.

Par. 1. I HAVE to inform the honourable the Governor in Council, that Colonel Davis since his release from confinement in the Fort has communicated to me the orders and wishes of Government of the 27th instant.

2. I accordingly requested an interview with the Dewan this morning, explained matters in the plainest manner to him, and requested him to make every preparation to carry into the fullest effect the measures prescribed.

3. The Dewan, with whom I have no concealment, entered with spirit and zeal into the business; and Government may with implicit confidence rely that the utmost unanimity

[No. 2. D.] between the Myſore Government, Colonel Davis, and myſelf, will prevail in effecting all the orders of the honourable the Governor in Council.

Enclosure, No. 26, in Gen. Letter, Secret Dep. 10th Sept. 1809.

4. Every precaution that our united judgment can ſuggeſt ſhall be adopted; and as a cordiality of feeling ſubſiſts among us, ſo will a community of acting forward the public ſervice, and ſupport the authority of the Britiſh Government in India to the utmoſt extent of our ability.

5. The Dewan is unſhaken in his attachment and confidence, which are founded upon the moſt ſolid baſis, and the energy of the Myſore Government will, I have no doubt, at this unhappy criſis be eminently conſpicuous.

6. Every degree of moderation and forbearance will continue to be exerciſed by Colonel Davis and myſelf, and our united endeavour ſhall be urged to prevent bloodſhed and its concomitant horrors.

7. The Iſland of Seringapatam will this night be ſo ſurrounded that no grain or ſupply can enter it; and the oppoſers of Government ſhall experience every privation which we can effect.

All Letters to and from will be brought here for our inſpection; and as Government *direct*, ſo ſhall we act.

I have the honour to be, &c. &c.

Myſore, 31ſt July 1809. (Signed) A. H. COLE, 1ſt Aſſiſtant in charge.

Enclosure, No. 26.

To the Chief Secretary to Government.

Sir,

IN conſequence of a very conſiderable agitation that prevailed in this Garriſon laſt night, I deemed it expedient to remit the amount of public money, with the cuſtody of which I am delegated, to the ſuperior depôt of the Myſore Reſidency.

It will be obſervable from the encloſed correſpondence, the circumſtances that have induced me to relinquiſh this intention; but I truſt the precautionary meaſure which I deſigned to execute will meet with the approbation of Government.

I have the honour to be, &c. &c.

(Signed) JAMES A. CASAMAIJOR, Act. Coll.

Seringapatam, 29th July 1809.

To the Officer Commanding Seringapatam.

Sir,

I HAVE thought it expedient to remit a part of my public Treaſury to Myſore; and in the execution of my orders ſome of the Sepoys of the Garriſon have obſtructed its progreſs, requiring your ſanction to its removal; as this may have proceeded from ſome recent order of the Garriſon, I requeſt you will ſupply me at as early a moment as practicable, with a paſſport for the ſame. Some of my public ſervants have been impeded by the Sepoys at the Frontier Cuſtom-houſes from conveying my Letters to and from the Reſidency. I have to requeſt you will iſſue inſtructions to deter them from moleſting my Peons, or aſſign ſome public reaſon why this intercouſe ſhould be denied, that I may communicate the ſame for the information of the honourable the Governor in Council.

I have the honour to be, &c. &c.

(Signed) J. A. CASAMAIJOR, Act. Coll.

Seringapatam, 29th July 1809.

To the Acting Magiſtrate of Seringapatam.

Sir, Seringapatam, 29th July 1809.

I AM directed by the ſenior officer of the Garriſon to acknowledge the receipt of your Letter of this day's date, and convey to you his recommendation, that ſhould you deem it neceſſary to lodge any part of your treaſure in a place of ſafety it may be ſent into the Company's Treaſury in the Fort, or a guard will be furniſhed for its protection at the Cutcherry.

The ſenior officer is very anxious that no part of your Treaſury ſhould be ſent off the Iſland, as it will create the moſt ſerious alarm among all deſcriptions of Inhabitants.

(Signed) GEORGE CADELL, Town-Major.

To the Commanding Officer.

Sir,

As the Commanding Officer of the Garriſon is apprehenſive that the prevalent agitation among the Inhabitants will be increaſed by the remittance of public money off the Iſland, I ſhall relinquiſh my intention of transferring it at the preſent moment. It appears to me that the Cutcherry guard already over the Treaſury is ſufficiently efficient for its general protection.

I have the honour to be, &c. &c.

(Signed) J. A. CASAMAIJOR, Act. Coll.

Seringapatam, 29th July 1809.

To the Chief Secretary to Government. [No. 2. D]

Sir,

IT will be obſerved, from the correſpondence with Colonel Bell, which I had the honour to forward for your peruſal by yeſterday's Tappal, that my public application for a paſſport for the Treaſure was denied; indeed the only object I had in view in forwarding this correſpondence was to appriſe the Government of the meaſures of precaution I had taken in the acquittal of my public engagements with the authority I have the honour to ſerve, and that they might perceive how far my apprehenſions of a gradual extinction of the Civil authority at this ſtation were founded on reaſonable ſurmiſe. Enclosure, No. 27, in Gen. Letter, Secret Dep. 20th Sept. 1809.

It will be obſerved, on a reference to my ſecond Letter of yeſterday's date to Colonel Bell, that I ſubſcribed to his fears, that the removal of the public Treaſury might increaſe the prevalent agitation among the Native Inhabitants of this Iſland, and I therefore ſtated I would not transfer the Treaſure to Myſore at the preſent criſis; after this I received no other communication from that officer during yeſterday. This morning at one o'clock the treaſure was abſolutely arreſted from my cuſtody, as deſcribed by the certified document encloſed. I immediately diſpatched the Letter, copy of which I now forward No. 1, after which I received a verbal communication through the Town-Major, which I declaimed againſt as being informal, and required a ſpecific reply to my Letter in order that my conduct might be faithfully repreſented to Government.

The day is now far advanced, and I have received no reply to my Letter addreſſed to the Commanding Officer of this ſtation. On a reference to a Letter incloſed from the Town-Major, it will be remarked that after certain hours my public ſervants are reſtricted from entering the Garriſon, I ſhall therefore report more circumſtantially by to-morrow's Tappal.

I feel at the preſent moment that the Civil Authority is entirely ſuperſeded, and that the functions of the office of Judge and Magiſtrate cannot be maintained without a compromiſe of the acknowledged aſcendency and importance of the Civil Power. The ſupport of this truſt has been confided in me; and I hope that I may have acted with diſcretion by adjourning the Civil Court until the preſent agitation has ſubſided, and until I receive your inſtructions. The Revenue Duties will continue to be carried on with as much regularity as the time will permit.

(Signed) J. A. CASAMAIJOR, Acting Coll.

To Colonel Bell, commanding Seringapatam.

Sir,

IN your public Letter of yeſterday's date you ſtated to me officially your diſinclination to have my Treaſury removed from the Iſland, from the apprehenſion that the meaſure would tend to excite a very ſerious alarm among all deſcriptions of Inhabitants. It will now be for you to contemplate how far the following fact is likely to foment or diſſipate this agitation. At one o'clock this morning a party of Sepoys, under the command of Captain Turner of the 15th Regiment Native Infantry, took poſſeſſion of my treaſury, declaring that ſuch duty was confided to his execution by Military Authority. I cannot ſuppoſe it poſſible that a proceeding, attaching ſo much reſponſibility to thoſe who may have directed it, could have originated in this Garriſon with your knowledge. I therefore muſt appeal to you as the principal Local Military Authority at this ſtation, to obtain for me a ſtatement of the exigency of the meaſure, as well as an attested receipt for the public money removed from my cuſtody, that I may convey a circumſtantial report of the ſame to the honourable the Governor in Council by this day's Tappal.

I have the honour to be, Sir,
your moſt obedient humble Servant,

Seringapatam, 30th July 1809.

(Signed) J. A. CASAMAIJOR, Act. Coll.

To the Acting Magiſtrate, Seringapatam.

Sir, Seringapatam, 29th July 1809.

I AM directed by the ſenior officer of the Garriſon to acquaint you that the guards at the bridges and ghauts have been directed to permit your Peons who may have charge of Letters or private Baggage to paſs and repaſs between day-light in the morning, and ſeven o'clock in the evening when the Barriers are cloſed.

(Signed) GEO. CADELL, Town-Mayor.

Encloſure, No. 27.

Lieutenant Colonel Davis, commanding in Myſore.

Sir,

IT is extremely deſirable to ſtrengthen the force in Myſore to an extent ſufficient to enable you to re-eſtabliſh the authority of Government, and to diſpenſe with the ſervices of the troops under the command of Lieutenant Colonel Gibbs, which ſhould proceed to the Ceded Diſtricts with the utmoſt expedition. The intelligence recently received from Travancore reſpecting the diſpoſition of the inhabitants of that country is of a favourable nature, and the force in the Southern Diviſion appears to be entirely adequate to the ſupport of the authority of Government in the Travancore Country. The troops in Malabar will be therefore diſpoſable for employment in Myſore, and it may be expedient that you ſhould order whatever

[No. 2. D.] Enclosure, No. 27, in Gen. Letter, Secret Dep. 10th Sept. 1809.

whatever force can be spared from the internal duties of Malabar and Canara to join you without delay. That force, with the 78th Regiment from Goa, such of the Company's Native Troops as you may be able to secure for the service of the Government, and the troops of the Rajah of Mysore, will, there is reason to hope, provide for the preservation of the public interests in the Division intrusted to your command.

I have the honour to be, Sir,

Fort St. George, 5th August 1809. Your most obedient Servant, (Signed) A. FALCONAR, Chief Secretary to Government.

Sir, Fort St. George, 5th August 1809.

I AM directed by the honourable the Governor in Council to acknowledge the receipt of your Letters of the 30th and 31st ultimo, and to express to you his entire approbation of the firmness and judgment which you displayed while in the Fort of Seringapatam. The Governor in Council approves of your resolution to withhold this month's pay from the refractory troops, and to invest the Fort of Seringapatam in such a manner as to prevent provisions from being carried into it. The Governor in Council trusts that these measures, followed up by the publication of the General Order of the 3d instant, which were forwarded to you yesterday, will soon restore your authority in the Garrison. Whenever circumstances shall admit of your carrying the measure into effect you will be pleased to put the commanding officers of corps, the Town-Major, and the members of the Committee of Safety, and any other officer or officers who shall appear to you to have been particularly active in the late proceedings, in close arrest, and send them under a sufficient guard to the Presidency, to be tried by a General Court Martial; you will of course send down at the same time the necessary evidences against them.

I have the honour to be, Sir,

Your most obedient Servant,

(Signed) A. FALCONAR, Chief Secretary to Government.

To Colonel Davis, &c. &c. &c.

To A. Falconar, Esq. Chief Secretary to Government.

Sir, Fort St. George.

Para. 1. THE enclosed joint Letter from Colonel Davis and myself will explain the crisis at which matters appear to have arrived, and the feelings of moderation and determination to support Government by which we are equally influenced.

2. A detachment of the Garrison of Seringapatam, of about 500 men, with guns, marched out last night to meet the two corps expected from Chittledroog, which, according to our intelligence, have not yet marched from that fort.

3. A thousand horse are gone to hover around the former party, to intercept supplies, &c. and the same arrangements have been directed against the latter force, in the event of their having left Chittledroog. Extreme hostility will be avoided by the Mysore Horse, unless unavoidable; and on the arrival of the Europeans from Bangalore in the vicinity of Seringapatam, which may be hoped for in the course of to-morrow, every means to prevent a junction with Seringapatam of the Chittledroog force will be put in force.

4. Colonel Davis's extreme ill health, and inability to leave his couch, does not affect the vigour of his mind; on the contrary, I hope that his arrangements will be approved by the honourable the Governor in Council.

5. The greatest cordiality subsists between the commanding officer, the Dewan, and myself; and if our exertions only prove efficacious to the cause of our Country, our utmost wishes will be fulfilled.

6. I have the honour to enclose a Khareetah from the Dewan, to the Address of the honourable the Governor in Council.

I have the honour to be, Sir,

Mysore, 3d August 1809. Your most obedient humble Servant, (Signed) A. Hy COLE, 1st Assistant in charge.

To Colonel Bell and the Officers in control of the Fort of Seringapatam.

Sirs,

Para. 1. From the delay which has occurred in your reply to the terms of Government, explained to you in the first instance by Colonel Davis in person, and afterwards forwarded to Colonels Bell, Munro, and Major Kenny, and from the seizure on the night of the 2d instant of a large supply of Company's treasure, together with the hostile march last night of a strong party of Sepoys, with guns, &c. into the Mysore country, we with regret and horror conclude that you determinedly intend to oppose Government at all extremities.

2. You must be well aware that it is our decided resolution to support the authority of Government with our lives, our power, and with all the resources of the Mysore State. Anxious, however, to avoid a sanguinary contest with our countrymen, and *many of our late friends*, and heartily desiring to prevent an effusion of blood in this unhappy contest, we again come forward to exhort you to accept either of the terms presented to you; and forgetting the personal indignities too repeatedly offered to us, and through us to our Government and our Country, we will assure you, that although we cannot control the decision of our Rulers, we will submit the expression of our anxious hopes that the honourable the Governor in Council may be pleased to consider you, even at this period, as equally deserving

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ſerving of his merciful conſiderations as thoſe officers who have retired from the force collected at the Mount and Madras, and whoſe conduct has not been marked by the ſame bold ſpirit of oppoſition which you have evinced.

We have the honour to be, &c. &c. &c.

(Signed) HENRY DAVIS, Lieutenant Colonel Comm.
A. Hy COLE, 1ſt Aſſiſtant in charge.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

FROM a variety of circumſtances which have occurred, I am diſpoſed to think that ſome of my Diſpatches have fallen into the hands of the Seringapatam officers; I have therefore the honour of encloſing to you a regular ſet of duplicates from the 25th ultimo up to the preſent period.

As Mr. Cole addreſſes you by this Tappal, I take the liberty of referring you to him for a detail of the occurrences which took place laſt night and this day. The people in the Fort are in the habits of committing ſuch outrages that I have deemed it expedient to order Lieutenant Colonel Gibbs, with the whole of the Bangalore troops, to march to the vicinity of this place, with the exception of the two companies of His Majeſty's 50th, ſtationed in the Fort, and two companies of Native Infantry, with two troops of Native Cavalry, to remain in that Cantonment.

It is greatly to be regretted that Lieutenant Colonel Gibbs did not carry into effect the orders of Government of the 26th ultimo; and though he has informed me that he has addreſſed Lieutenant Colonel Barclay on that ſubject, the circumſtances which have occurred have induced me to enforce the immediate execution of theſe orders previous to his march from Bangalore.

I am ſorry to ſay that only two officers have ſigned the obligation to Government, viz. Lieutenant Colonel Orrock and Mr. Surgeon Ingledew.

Such is the power of the prevailing ſentiments of the day, that even one of my Staff, Captain Webſter, has declined ſigning the paper, and to-morrow he leaves me, accompanied by Captain Hay and Lieutenant Put, in charge of the eſcorts of this Reſidency.

I have the honour to be, Sir,
your very faithful Servant,

Myſore, 3d Auguſt 1809. (Signed) HENRY DAVIS, Lieut. Col. Myſore.

I moſt anxiouſly await the final orders of the Government; on my part I ſhall prevent hoſtility as far as poſſible. (Signed) H. D.

To Lieutenant Colonel Davis, commanding in Myſore.

Sir,

Para. 1. I am directed to acknowledge the receipt of your letter of the 3d inſtant, and to convey to you the Governor's in Council ſtrongeſt approbation of the meaſures therein reported.

2. The Governor in Council veſts you with full powers for adopting any meaſures you may conſider neceſſary for re-eſtabliſhing the authority of Government in the Garriſon of Seringapatam, and for reducing to obedience any troops that may be acting in oppoſition to your orders, or thoſe of Government, but he deſires that you will not enter into any terms with the inſtigators or principal officers concerned in the mutinous proceedings at Seringapatam, that may preclude thoſe officers from being brought to trial for their criminal conduct.

I have the honour to be, Sir,
your moſt obedient ſervant,

Fort St. George, 8th Auguſt 1809. (Signed) A. FALCONAR, Chief Sec. to Gov.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir, Fort St. George.

Para. 1. I HAVE the honour to forward, for the information of the honourable the Governor in Council, a copy of my Letter of this day's date to Lieutenant Colonel Bell commanding Seringapatam.

2. This Letter will explain the footing upon which matters now ſtand with that Garriſon, and the joint determination of Colonel Davis and myſelf to forbear, as far as practicable, but to retaliate and puniſh as far as poſſible.

It will be pleaſing to Government to know that the Rajah's and Reſident's guards, with their native officers, have in a body determined to ſtand by me and the Government. I have promiſed them every protection, and in juſtice to their fidelity and attachment I think it my duty to mention their names, viz.

Mahommud Ruza, Subadar.
Shickh Uhmud, and Gungloo, Jemidars.

4. Every arrangement is made with the Dewan to prevent the march, without orders, of a ſingle native ſoldier in Myſore; and I know the Company's troops now in His Highneſs's territory can effect nothing againſt this or the Britiſh Government.

5. It is needleſs, I hope, for me to repeat my aſſurances, that to my life's end I will ſtand by the Government which I ſerve, and by the charge with which I am intruſted.

I have the honour to be, Sir,
Your moſt obedient Servant,

Myſore, 1ſt Auguſt 1809. (Signed) A. Hy COLE, 1ſt Aſſiſtant in charge.

[No. 2. D.]
Enclosure, No. 27, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant Colonel Bell, commanding the Fort of Seringapatam.

Sir,

Para. 1. As I understand you, or the officers who control the affairs of Seringapatam, have stationed guards of Company's Sepoys in the Mysore country, both at this side and on the other side of the Fort, *I request they may be instantly recalled within the Island.*

2. It is not my intention, nor that of Colonel Davis, to have resort to the *last* extremity against the opposers of Government, excepting in cases of actual necessity; I therefore, without any parade to intimidate, most earnestly exhort you to recall from the Mysore Territory, *during this day*, the guards stationed in it, for I openly apprise you that force will be made use of to expel them in the event of their not retiring peaceably.

I have the honour to be, &c. &c. &c.

Mysore, 1st August 1809. (Signed) A. H. COLE,
1st Assistant in charge.

To A. Falconar, esq. Chief Secretary to Government.

Sir,

In my Dispatch of yesterday you were informed of my intention of calling immediately on Colonel Bell, the senior officer of the troops in Seringapatam, to put in force the orders of Government as contained in your Letter of the 26th ultimo. I accordingly did so; and although, from the temper of the minds of the European officers of the Garrison, I had little expectation of finding obedience to my orders, I could not suppose it was possible their conduct could have been so wide of decorum, and the sense of propriety, by which gentlemen are generally guided, as it has proved to be. My Letter to Lieutenant Colonel Bell was returned, with the Note which accompanies this; the seal was not broken, but the envelope was torn, and robbed of part of its contents, viz. the Extracts of the Instructions of Government, and the Pledge; my Letter alone was returned. The Extracts contained, in addition to what I communicated to them the day before, the paragraphs respecting the manner in which the Native officers were to be addressed. The officers of the Garrison have proceeded to the extremity of seizing the Paymaster's cash-chest, which contains about 10,000 pagodas; this was done yesterday evening by the Town-Major, and a member of the committee going to the office, and demanding in the name of the commanding officer the keys, which on being refused, he forcibly took from the Conicopoly; thus have the Company's officers in Seringapatam declared themselves in open hostility to the Government.

The Native officers, two Subidars, and one Jemidar of the Rajah's and Resident's Guards at this place, have been assembled, and the whole matter fully and properly explained to them by Mr. Cole, at my request, and in my presence; they without any hesitation declared their inviolable attachment to the Government, whose salt they had so long eaten; the senior Subidar said he had served the Company 46 years, and the other two officers 22 and 20 years respectively.

I have sent a copy of your Letter of the 26th ultimo to Lieutenant Colonel Gibbs, commanding at Bangalore, with directions to carry into effect the orders contained therein, and after doing so, to dispatch two squadrons of His Majesty's 25th dragoons, and three companies of His Majesty's 59th regiment to Mundium, on the Seringapatam road, distant about 17 miles, there to wait my further orders; to that detachment I shall add 500 of the Silladar horse, and keep the whole in readiness to act as circumstances may render necessary. The present appearance of affairs threatening the necessity of ultimately having recourse to hostile operations, I beg I may be honoured as soon as possible with the orders of Government for my guidance in the event of matters not wearing a more tranquil appearance by the time I may be prepared to act.

Two companies of His Majesty's 59th regiment are permanently stationed in the Fort of Bangalore, as a Garrison for that place, in the event of matters requiring the march of the remaining part of the European troops from the Cantonment. There are no Native troops stationed in that Fort, and only one company of Artillery without guns.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) HENRY DAVIS,
Lieutenant Colonel Mysore.

My dear Colonel,

You must be perfectly aware of the state of the garrison, which I reported to you long since, and it is at the peril of my freedom to open any public communications.

I am, my dear Colonel,
Seringapatam, 31st July 1809. Yours sincerely,
(Signed) J. BELL.

To A. Falconar, esq. Chief Secretary to Government.

Sir, Fort St. George.

Para. 1. I have the honour to enclose the reply of the officer in command of Seringapatam to my public Letter of yesterday. It would appear from this Letter that no hostile movements would have been made towards this territory; but the march from the Fort last night of one company of Native Infantry, and their seizure of a supply of forty thousand Pagodas of Money, on its route to the Paymaster from the Ceded Provinces, evinces the reliance which is to be placed on the word of men acting in open defiance of law, and the constituted authorities of their country.

2. I can

[No. 2. D.]
Enclosure, No. 27, in Gen Letter, Secret Dep. 10th Sept. 1809.

2. I can only assure the Government, that had we received correct information respecting this treasure, one man of the party detaching to seize it would not have returned to the fort of Seringapatam.

3. It is reported to me that a large battering train is preparing in the fort, and I am led to expect that an attack may be made upon Mysore, for the purpose of seizing the treasure collecting in it. We are on our guard here to resist every attempt, and I hope at least that our charge will not fall easily.

4. I have informed the Dewan that I will be responsible for the injury which this Government may sustain in the adoption of precautionary measures, to impede the enemy throughout Mysore, such as the demolition of bridges, and the damage which the removal of grain, &c. may involve to this Government.

5. The only Company's military officers attached to this Residency have resigned their charge. I am happy, however, to report that Mr. Ingledew has voluntarily declared his intention of continuing stedfast to the Government, and loyal to the interest of Great Britain. This spirited and firm conduct is particularly gratifying to me, at a period when the military and medical servants of the Company are, to a man, I believe, disaffected in this division.

6. It has been my particular study to show every confidence in the native officers and Sepoys of the Rajah's and Resident's Guards, who have supported Government on this trying occasion. I have omitted to mention that they belong to the 2d battalion 15th Native Infantry, and I anticipate in their favour some signal mark of the approbation of Government.

7. The alacrity and attachment of the Dewan, and civil and military officers of the Mysore Government, continue eminent in the extreme, and I have no doubt that their utmost energies will be united with those of Colonel Davis and myself in the common cause of Great Britain and her Indian Allies.

8. The disaffected body of officers in the fort are at this moment, I am given to understand, deliberating in mutinous assembly upon the line of conduct to be pursued, in reply to the propositions of the Governor in Council, detailed to Government in Mr. Chief Secretary's Letter to Colonel Davis of 26th instant, and this evening will perhaps inform us of the result of their determination.

9. Several Tappals have unfortunately fallen into the hands of the enemy, and Colonel Barclay's Letter of the 21st and 27th instant have been the only communications with which I have been as yet favoured. I have the honour to be, Sir,

Your most obedient humble servant,

Mysore, 2d August 1809. (Signed) A. H. COLE, 1st Assist in charge.

P.S. Colonel Davis begs me to report, that Mr. Smith, the Paymaster's, treasure, has been taken from him by the Company's officers of Seringapatam. Its amount was about eleven thousand pagodas. (Signed) A. H. COLE, 1st Assist in charge.

To the honourable A. H. Cole, &c. &c. &c.

Sir, Seringapatam, 1st August 1809.

As it has not been the intention of the officers at Seringapatam to inconvenience the Mysore Country, if Sepoys have been posted beyond the boundary it has proceeded from mistake, and they have been ordered to be withdrawn to the limits of the island.

By Order. (Signed) E. OLDNALL, Fort-Adjutant.

(A true Copy) A. H. COLE, 1st Assist. in charge.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

I HAD the honour to address you yesterday, conveying for the information of the honourable the Governor in Council, copies and duplicates of certain documents.

The enclosed copy of Lieutenant Colonel Gibbs's reply to my command for a strong detachment to move to Seringapatam, evinces but too unfortunately another instance of that officer's assumption of opinion. I have once more decidedly repeated my orders.

Seringapatam is strong, desperate, and well furnished with a fine park of European artillery; and reports have more than once come to our knowledge, that it was their intention to make a night attack upon the weak and defenceless fort of Mysore, though it is as well secured as any common country work will admit.

I cannot conclude this Letter without expecting, that the Governor in Council will adopt such measures as they may in their wisdom think proper, to prevent an officer of Colonel Gibbs's high rank from disobeying not only my division Orders, but the high commands of the Governor in Council.

At this moment I am extremely apprehensive that the most distressing events may arise from this dereliction of his duty. I am, Sir,

Your most obedient servant,

4th August 1809. (Signed) HENRY DAVIS, commanding Mysore.

P.S. You will perceive by the accompanying Letters that Lieutenant Colonel Bell has withdrawn himself from the combination of officers, and signed the proffered pledge to Government; but I do not believe that he has yet made his escape from the Garrison.

[No. 2. D.]
Enclosure, No. 27, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have likewise to inform you, that the small detachment of His Majesty's 80th Regiment, which was stationed within the fort, are now on their march by a circuitous route. They were ordered yesterday forenoon to evacuate the place, and the troops of the Garrison went through the form of presenting arms, and paying them the accustomary honours, sending their numerous sick well appointed with the usual equipment for a march, at the same time obliging them to proceed by the Bangalore road, in opposition to their wishes to march to Mysore. (Signed) H. D.

To Lieutenant Colonel Davis, commanding in Mysore.

Sir,

I HAVE the honour to transmit to you the declarations of the officers of the Garrison, which I am sorry to say have now fully proved what I formerly stated to you.

(Signed) J. BELL.
Seringapatam, 3d August 1809. Lieutenant Colonel, acting senior officer.

N. B. I shall remain here while there is a hope left of doing good, except I receive orders from you to the contrary. The detachment of the 80th I have been commanded to direct should march to Bangalore; on inquiring the cause, I was informed it was occasioned by the conduct of Colonel Forbes at Cannanore.

(Signed) J. BELL.

To the Senior Officer in Seringapatam.

Sir,

I HAVE the honour to enclose you my declaration, as also that of the officers of the 2d battalion of the 15th regiment Native Infantry.

Not only the Native commissioned, but every man of the 2d battalion of the 15th regiment in this Garrison, have declared that they will never allow themselves to be separated from their European officers.

(Signed) R. MUNRO,
Lieutenant Colonel, commanding 2d battalion 15th regiment.
Seringapatam, 3d August 1809.

To the Senior Officer at Seringapatam.

Sir,

I HAVE the honour to enclose my Declaration, as also that of the Officers of the 2d battalion 19th regiment Native Infantry.

Not only the Native commissioned but every man of the 2d battalion 19th regiment in this Garrison, have declared that they will never allow themselves to be separated from their European officers.

(Signed) D. C. KENNY.
Major commanding 2d battalion 19th Regiment.
Seringapatam, 3d August 1809.

We, the undersigned Officers of the honourable Company's Service, do in the most solemn manner declare upon our words of honour, as British officers, that we will obey the Orders and support the authority of the honourable the Governor in Council of Fort Saint George, agreeably to the tenor of the commission which we hold from that Government.

(Signed) J. BELL,
Lieutenant Colonel Artillery.

The moment the grievances of the Army are redressed, we the undersigned Officers of the 1st battalion of Artillery, will, with the greatest satisfaction, sign the proffered Declaration of Government, under date the 26th July 1809. But as the intention at present of that obligation is evidently to bind ourselves down to *shed* the *blood* of *our* own brother soldiers, we must decline affixing our names thereto.

(Signed) Major J. W. Sena.—Captain Lieutenant W. G. Purce.—Lieutenants J. Briggs; B. Macintosh.—Surgeon D. Scott.—Enigns H. R. Cazalet; V. G. Babington; J. Cremons; A. Bell; A. P. Russell.—Lieut. Fireworkers A. Crawford; H. Stuart, F. Deville.

The moment the grievances of the Army are redressed, the undersigned officers of the 2d battalion 15th Regiment Native Infantry, will, with the greatest satisfaction, sign the proffered Declaration of Government, under date the 26th July 1809. But as the intention (at present) of that obligation is evidently to bind ourselves down *to shed the blood* of our brother soldiers, we must decline affixing our names thereto.

(Signed) Lieutenant Colonel R. Munro.—Major Andrew M^c Dowall.—Captains A. Leonard; J. Turner.—Lieutenants H. Y. Keal; J. Napier; S. Townsend; James Noble; Kenon; R. Rollisson.—Ensigns M'Cormick; James Hume; C. Morsewords.—Assistant Surgeon G. Walters.

Seringapatam, 2d Auguſt 1809. [No. 2. D.]

The moment the grievances of the Army are redreſſed, the underſigned officers of the 2d battalion 19th Regiment Native Infantry, will, with great ſatisfaction ſign the proffered Declaration of Government, under date the 26th July 1809. But as the intention, at preſent, of that obligation, is evidently to bind ourſelves down to *ſhed* the blood of our brother ſoldiers, we muſt decline affixing our names thereto.

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(Signed) Major D. Kenny.—Captains C. Biſhop; J. C. Hurdis; W. H. Loftee.—Surgeon J. H. Jones.—Lieutenants H. C. Harvey; J. Michael; J. M'Konochie.—Enſigns S. Manſell; D. Donaldſon; H. R. King.

We never can pledge ourſelves to obey the Orders of Sir George Barlow and his adviſers, which ſo clearly tend to the total deſtruction of the Britiſh Empire in India. In this Declation we are actuated alone by principles of regard for the public ſafety and the welfare of the State.

(Signed) Captain Lieutenant Engineer D. Havilland.—J. D. Brown.—12th Regiment, Captain G. Cadell.—1ſt battalion 6th Regiment, Lieutenant E. Olanall.—Garriſon Surgeon J. Harmon.

To Colonel Bell.

Sir,

I THANK you for your communications. My heart and houſe, and thoſe of Mr. Cole, are open to you; and whatever arrangements can convenience you will be readily agreed to.

I am, Sir, by your's obediently,

Myſore, 3d Auguſt 1809. (Signed) H. DAVIS, Lieut. Col. Com. Myſore.

To Alexander Falconar, Eſquire, Chief Secretary to Government.

Sir, Fort Saint George.

Para. 1. To the conciliatory Letter, which Colonel Davis and I diſpatched to the Fort yeſterday, we have had no reply as yet; Colonel Davis's information of this day however will demonſtrate to Government the ſtate of affairs in that depôt of malecontents, and from the loyalty evinced by Colonel Bell, which is as unexpected as it is pleaſing, I am almoſt induced to hope that terms may even yet be liſtened to.

2. The releaſe laſt night, however, of one hundred of His Majeſty's 80th foot, and a prohibition that they ſhould not march direct to Myſore, looks ſuſpicious, and our troops here are conſequently always on the alert, and prepared to ſupport the Government.

3. I had the honour to report yeſterday that five hundred men with guns, &c. had marched from Seringapatam towards Chitteldroog, for the purpoſe, I conjectured, of conducting in the Chittledroog battalions. In conſequence of the latter not having marched from Chitteldroog, that detachment has this day returned. One thouſand Silladar Horſe were diſpatched to annoy them, but they were not to come to extremities unleſs fired upon; and I am happy to ſay that as yet no effuſion of blood has taken place.

4. The Government will learn with ſurpriſe and aſtoniſhment that Colonel Gibbs in command at Bangalore has not only refuſed to carry into execution their Orders of the 26th ultimo, but has, in a Letter this day received, aſſumed the authority of protracting the march hither of any of the troops under his command until he ſhall receive further Orders from Government.

5. By this line of conduct the Fort of Myſore, and the perſon of the Rajah, Dewan, Reſident, and commanding officer, together with the Britiſh and Myſore treaſure are left wholly to the protection of the Myſore troops. The Fort of Seringapatam contains three hundred European artillerymen, with their complement of Laſcars, ſeven hundred bullocks, and two battalions of Sepoys, with a large train of guns, and every Military equipment; to ſupport which the two battalions at Chittledroog, one of them that from Bednoor, three Companies of Sepoys from Nundy Droog, and one from Manantaddy, are perhaps at this very moment on their march, and we have no diſpoſable force, excepting Silladar Horſe, to ſpare hence for the purpoſe of intercepting them.

6. It is for Government to remark upon the conduct of Colonel Gibbs; I ſhall therefore forbear to comment upon the determination of that officer. I ſhall however conſider him reſponſible for every miſhap that may occur in this quarter; and upon his ſhoulders reſts every diſaſter that the Britiſh and Myſore cauſes may experience in this Diviſion.

7. Colonel Davis and I, aided by the promptitude and attachment of the Dewan, will continue our utmoſt exertions to eſtabliſh the authority of Government; and however others may act, we will at leaſt do our duty.

I am happy that my exertions, as yet, have been pleaſing to my ſuperiors; and I ſhall hope always to merit, at leaſt in zeal, their confidence and approbation.

I have the honour to be, Sir,

Your moſtobedient humble Servant,

Myſore, 4th Auguſt 1809. (Signed) A. H. Cole, 1ſt Aſſiſtant in charge.

[No. 2. D.]
Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Enclosure, No. 28.

To Lieutenant Colonel Barclay, Military Secretary.

Sir, Bangalore, 5th August 1809.

I HAVE the honour to report to you, for the information of the honourable the Governor in Council, that I this day carried into effect the Orders of Government, bearing date the 26th July, and agreeably thereto, suspended every officer of the honourable Company's service at this station from their military functions, they having one and all refused to sign the paper tendered to them by order of Government, and in obedience to orders received this morning from the Officer commanding the Division, directed that they repair to Oossoor, there to remain for further orders; this differs from your Letter of 29th ultimo, which I have reported to Lieutenant Colonel Davis. I beg to add a copy of the Orders I this day issued, and trust they will meet the approbation of the honourable the Governor in Council.

I have to add, that the native officers all declared their faithful adherence to the Company, and their readiness to obey such officers as the Government placed over them.

I have, &c.
S. GIBBS, Lieut. Col. Com.

Cantonment August 5th, 1809.

Cantonment Orders.

THE Officers of the 5th regiment N. C. and detachment Artillery, 1st battalion 3d regiment, and Cantonment and Garrison Staff of Bangalore, having declined signing a Declaration presented to them by order of the honourable the Governor in Council, are, pursuant to his further orders, suspended for the present from their military functions, and will, with all practicable expedition repair to Oossoor, where they will await further orders.

The following appointments to take place under authority of Government, till further orders, or the pleasure of the officer commanding the Division is received: Captain Campbell, H.M. 59th Regiment, to receive charge of the Brigade Major's Office, and conduct the duties of it; Lieutenant Dooley, of 59th, to act as Fort Adjutant; Captain Beaver, Lieutenants Campbell and Taylor, and Cornet Hitton, of H. M. 25th Dragoons, to do duty with the 5th Cavalry, and the latter officer to act as Adjutant; Captain Campbell, of the 59th Regiment, to receive charge of 1st battalion, 3d Regiment; and Lieutenant Litton, 59th Regiment, to act as Adjutant to that Corps.

The detachment Artillery to be under charge of the acting Fort-Adjutant for the present.

(Signed) S. GIBBS, Lieut. Col.

To the Military Secretary to the Commander in Chief.

Sir, Bangalore, August 6th, 1809.

I HAVE the honour to enclose a Letter received from Major Welsh this morning, with an Address to the Commander in Chief, from the officers stationed at Nundydroog, which I thought it my duty to forward for his information.

I have, &c.
(Signed) S. GIBBS, Lieut. Col.

Lieutenant Colonel Gibbs, Commanding Bangalore.

Sir,

I HAVE the honour to forward a Paper, which I have to request you will forward to Madras without delay.

I beg leave, at the same time, to offer apologies for making you the channel of such a communication, which proceeds from the absence of Colonel Davis, and an anxiety to anticipate the Orders of Government, that we may share, in common with our brother officers at Bangalore, that temporary disgrace which Sir G. Barlow has determined to inflict on them.

I have, &c.
August 5, 1809. J. WELSH, Major, commanding Nundydroog.

WE, the undersigned Officers of the garrison of Nundydroog, understanding that our brother officers at Bangalore have been called upon to sign a Paper, promising implicit obedience to the orders of the honourable Sir G. Barlow, Governor in Council of Fort St. George, and threatened with suspension in case of refusal, conceive it our duty, unasked, to step forward and declare, that under existing circumstances we shall decline signing any such paper, if tendered to us; at the same time we think it incumbent on us to assign our reasons for this act of disobedience to the mandates of our immediate superiors. It is not, at this late period, necessary to state all those grievances under which the Company's officers alone labour (for the officers of His Majesty's service have been entirely exempted from a participation of them). It is sufficient for us to declare, that we are from principle embarked in one common cause, and that we have voluntarily pledged ourselves to co-operate with our brother officers in all legal means to obtain redress.

It

No. 2. D.]
Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

It will therefore clearly appear, that signing such papers as the one in circulation would be a breach of those sacred principles of honour by which we are actuated, a breach of faith towards our suffering brother officers, and a tacit acquiescence in those measures which we conceive to be of the most pernicious nature to the interests of the honourable Company (our masters) and of the most degrading tendency to our whole body, and the service in general.

We further have reason to suspect, that were we base enough to sign such a promise (through fear of losing commissions now no longer valuable, if we cannot hold them with honour) that our swords, hitherto only drawn against the enemies of our country, would be directed against the bosoms of our brother officers, and our energies employed in overturning that empire which our honourable Masters have acquired by our unremitting exertions, and purchased at the expence of our blood.

The Right honourable Lord Minto has admitted the right of soldiers, in some occasions, to consider the nature and tendency of orders; under which sanction we solemnly protest against measures which, if persisted in, cannot fail to ruin our honourable Employers.

We see the evil already far advanced; we behold the probable consequences of the present system, and we shudder for the fate of British India.

We declare ourselves true to the service of our Masters, and ready to sacrifice our lives in defence of their rights and territory; but at the same time resolved never to compromise our own honour.

(Signed) 3d Regiment, Major J. Welsh.—Captain Lieutenant Thos. Stevenson.—Lieutenants Jas. Walker; Jas. Tagg; T. W. Dawson.

Nundydroog,
August 5th, 1809.

Sir, Fort St. George, 9th August 1809.

I Am directed by Sir G. Barlow to acknowledge the receipt of your Letter to the Chief Secretary to Government, under date the 4th August, with nine enclosures. The copy of Lieutenant Colonel Gibbs's Letter to you, referred to in the 2d paragraph, has not yet been received.

Sir G. Barlow directs me to express to you his highest approbation of the firmness and judgment which have been displayed in all your measures relating to the Garrison of Seringapatam, and to acquaint you that the most preremptory injunctions have been laid upon Lieut. Col. Gibbs to march with the whole disposable force at Bangalore towards Seringapatam.

Lieut. Col. Gibbs has reported to the Governor in Council that he had, in consequence of your orders, carried the arrangement of the 26th July into effect at Bangalore, which will have left him at liberty to march towards Seringapatam some days ago, and Sir G. Barlow entertains a hope that he will have arrived in that neighbourhood in time to answer the purposes for which you required him to advance in that direction.

Lieut. Col. Davis,
Mysore.

I have, &c.
R. BARCLAY.

To Alex. Falconar, Esq. Secretary.

Sir,

The enclosed Letter was received by Col. Davies and me last night, from the officers of Seringapatam, in reply to that which I had the honour to forward in my Letter of the 3d instant.

This evasive answer may be constructed for the purpose of gaining time until Seringapatam can be reinforced by the arrival of the troops at out-stations, of the march of any of which we are not apprized. Government, however, may rely that the Mysore Government will exert all its power to prevent so dangerous a coalition; and after what has occurred, and the extreme forbearance and moderation evinced by Col. Davis and myself, even to the hinderance of our own cause, I feel conscious that any effusion of the blood of our fellow countrymen can never be imputable to us; on the contrary, that the whole weight and enormity of the offence must rest on the promoters of the evils of the present times, so pregnant with anarchy, and subversive of all legal authority and civilization.

Whenever Lieut. Col. Gibbs, the commanding officer of Bangalore, *shall be pleased to execute the Orders of Government, and those of Col. Davis*, the most vigorous measures will be pursued; in the mean while the resources of the Mysore Government shall be all applied to the support of its own authority and that of Great Britain. I have no doubt of the result in this division; and I trust the cause of loyalty will prevail throughout the Peninsula.

An officer of H. M. 25th dragoons this day attends at Closepett, to select horses required by Government. It is not in my power to carry the Dewan thither as I had proposed, but the commanding officer of that station has been instructed to produce his best horses, and it would be a gratifying circumstance to me if the Honourable the Governor in Council would acknowledge, in particular terms, to the Dewan himself, his thanks for this supply, as the surrender to Government of the horses will break up the Bongeer corps, which has been appointed and disciplined in the same manner as the cavalry regiments in the Company's service; and as Purniah prides himself not a little on the appearance of the corps, and with great justice, he would, of course, desire to display their services in the present content. The Honourable the Governor in Council will, I hope, therefore consider him deserving of every applause for his prompt compliance with the request of Government.

I have, &c.

Mysore, 5th August 1809.

A. H. COLE,
Act. Res. in Charge.

[No. 2. D.]

Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To the Honourable A. M. Cole, Act. Ref. at Myfore, and Lieut. Col. Davis, Commanding in Myfore.

Sirs,

We have had the honour to receive your Letters of yeſterday's date, and that of Lieut. Col. Davis, who ſtates that the communications received from Lieut. Oldwall ſhall be laid before the Honourable the Governor in Council by to-morrow's Dawk. We have every aſſurance of your earneſt and honourable deſire to avert the evils which might ultimately ariſe from a conjuncture ſo unprecedented and extraordinary.

With regard to the Letter bearing your joint ſignatures, in which you comment upon demonſtration on the part of this Garriſon, which you denominate *hoſtile*, we have the honour to ſtate to you, that in conſequence of the reſtrictions which the Myſore Government thought proper to place on this Iſland, it becomes an imperious and indiſpenſable duty on our part to provide for the ſubſiſtence of the troops and inhabitants in the Garriſon and Iſland, in the view of averting the dreadful conſequences which might be expected to reſult from a combination of circumſtances ſo novel and alarming as that of a Britiſh Garriſon being cut off from the means of ſupport by a Power in alliance with the Britiſh Government, and this too at a time when the ſtate of the Military was a ſubject of reference to the chief authorities of Fort St. George.

We do not read your expreſſion of "late friends" but with very ſenſible emotion, as we cannot meet you in the feelings which appear to have dictated it; and we lament exceedingly that you ſhould complain of perſonal indignities having been repeatedly offered to you, while we are conſcious of no ſentiment ſtronger than reſpect for your characters and public ſituations, together with our ardent deſire to preſerve the integrity of the Britiſh power in India.

We may be permitted to notice the intelligence which has reached us through various channels, but which we are anxiouſly diſpoſed to diſcredit, that the Dewan of Myſore has evinced an inclination and profeſſed a power to ſeduce from their fidelity and attachment to their European Officers the Sepoys of the Honourable Company's Army in this diviſion.

Although ſtrengthened in the diſbelief of this extraordinary information by the known character and integrity of the Chief Miniſter of the Myſore Government, and his uniform attachment to the Britiſh intereſts, we cannot, without great apprehenſion and anxiety contemplate the miſchief that may ariſe from the report even of ſuch dreadful extremities being reſorted to.

We have, &c.

Seringapatam, Aug. 4, 1809. (Signed) R. MUNRO,
Lieutenant Colonel 2d Battalion.
D. KENNY,
Major Commanding 2d batt. 19th reg. and officers.
J. K. TREESE,
Major, for himſelf and officers of artillery.

To A. Falconar, Eſq. Sec.

Sir,

Since the diſpatch of my Letters of this day the enclosed communication has taken place with Col. Bell.

Col. Davis requeſted me to forward it to Government, and to add his congratulations to mine on the happy change of affairs.

We jointly hope that Government will not conſider our conduct as indicative of too much moderation; and we beg to aſſure the Honourable the Governor in Council that we would not purchaſe even peace at the expenſe of its dignity, or with the compromiſe of our own honour.

I have, &c.

Myſore, 5th Auguſt 1809. (Signed) A. H. COLE.

Sir, Seringapatam, 5th Auguſt 1809.

It has been communicated to me that the Board of Officers who control in this Garriſon have come to the determination not to be the firſt aggreſſors on the preſent alarming criſis, will in a little time come round, and follow the example ſet by ſo many, ſooner than run a riſk of the loſs of Britiſh India.

(Signed) J. BELL.

To Colonel Davis, &c. &c.

To Lieut. Col. Bell, in Seringapatam.

Sir,

I Thank you for your Letter, in reply to which I have only to ſay that Mr. Cole and I will ſacrifice every private conſideration for the public welfare, and uſe our utmoſt efforts to promote peace and ſubmiſſion to the wiſhes of Government.

I have, &c.

Myſore, 5th Auguſt 1809. (Signed) H. DAVIS.

[No. 2. D.]

Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To the Honourable A. H. Cole.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your two Letters of the 5th Inſtant, and to expreſs to you his entire approbation of the judgment, firmneſs, and moderation evinced by yourſelf and Colonel Davis throughout the whole of your proceedings.

The Governor in Council has directed me to expreſs his ſatisfaction at the contents of the encloſure in your ſecond Letter of the 5th inſtant, and is happy to learn that Lieutenant Colonel Bell has affixed his ſignature to the declaration.

The Governor in Council, adverting to the information conveyed in Lieutenant Colonel Bell's Letter, dated the 5th inſtant, and being anxious to avert the evils which muſt reſult to the officers of the Garriſon of Seringapatam, by perſevering in their preſent deſperate courſe of proceeding, authorizes you, in the event of your having reaſon to believe Lieutenant Colonel Bell's opinion is well founded, once more to tender to them the alternative preſcribed in the Orders of the Governor in Council of the 26th ultimo.

Fort-St. George, 10th Auguſt 1809. (Signed) A. FALCONAR.

To Alexander Falconar, Eſq. Secretary.

Sir,

SINCE my Letter of yeſterday nothing particular has occurred here, nor do we know exactly the ſtate of the *Councils* within the Fort; they are however evidently diſtracted, and the badneſs of the cauſe ſhakes the determination of the boldeſt.

I have the pleaſure to report, that two Squadrons of His Majeſty's 25th dragoons, and three Companies of the 59th, may be expected within a ſhort march of Seringapatam during to-morrow, *Colonel Gibbs having at length complied with the orders of Colonel Davis reſpecting their diſpatch.*

A Letter from the Amildar of Chittledroog this day received, reports that the corps there had plundered the Rajah's treaſury to the amount of above eighteen thouſand pagodas, and that a third battalion has reached that Garriſon, ſuppoſed to be either 1ſt of the 18th, or 2nd lately on their march to Goa, but more probably five Companies of the 3d from Bednour.

4. As ſoon as the Bangalore detachment ſhall arrive Colonel Davis will arrange for the interception of thoſe corps, in the event of their coming forward in this direction; in the mean while a party of Silladar Horſe are poſted at Sarah to obſtruct their progreſs.

We are not aware of the reſult of the tender to the corps at Chittledroog of the Government Order of the 26th ultimo, but ſhould they be fairly explained, we have little doubt of their entire ſucceſs in detaching the men from their officers; the great difficulty on this point which obſtructs us at Seringapatam is our inability to procure acceſs to the Native ſoldier, who conſequently gives implicit credence to the word of his Officers.

At Nundidroog two Companies have taken refuge in the Hill-Fort, but the Commanding Officer of Bangalore will take meaſures to prevent their leaving that Fort, where they can do no injury.

Should the Seringapatam Officers ſucceed* all oppoſition to Government in Myſore will terminate, and a diſpoſable force may be at the ſervice of Government for their ſupport in other quarters, particularly if the 78th foot arrive ſpeedily within the Myſore Territory.

* *Qu're.* ſecede.

8. It would perhaps be adviſable, on my part, to ſuggeſt that the honourable the Governor in Council would write perſonally to the Dewan on the preſent occaſion, not that he requires a ſtimulus to aid, with all his power, the Britiſh Government, but merely to corroborate my explanations of the preſent extraordinary and unparalleled criſis.

I have, &c.

Myſore, 6th Auguſt 1809. (Signed) A. H. COLE.

N. B. Should any regiments come up by Guzzlehutty, of which there is a report, arrangements are in train for their reception; but I ſtill hope the *laſt extremity may* not be neceſſary. (Signed) A. H. C.

To Lieutenant Colonel Davies.

Sir,

I AM directed by the honourable the Governor in Council to forward to you a copy of a Memorandum relative to the military arrangements propoſed to be adopted for the purpoſe of acting eventually againſt the troops at Hyderabad, together with copies of Letters that have been addreſſed to the Envoy at Goa, and the officer commanding the Southern Diviſion. Theſe papers will inform you of the plan of meaſures intended to be adopted in the actual ſtate of affairs; and I am directed to requeſt, that you will carry into effect ſuch of them as depend upon the exerciſe of your authority. You will be pleaſed to ſend the neceſſary orders to Colonel Forbes for the movement to Myſore of the force which you may judge it proper to draw from Malabar, and you will put it in motion towards the Ceded Diſtricts whatever troops you can ſpare from the Myſore country after the arrival of the reinforcements from Malabar and Tichinopoly.

I have, &c.

Fort St. George, 11th Auguſt 1809. (Signed) A. FALCONAR.

[No. 2. D.]

Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Colonel Davis.

P. S. The march of the troops from Malabar must necessarily be delayed until the orders of Government of the 26th ult. shall have been carried into effect, with the whole of the Native troops in Malabar and Canara, including the 1st Battalion 4th regiment N. I. now on its march from Quilon to Canara; after the enforcement of these orders the march of Colonel Forbes's force to Mysore cannot be too rapid.

To Alexander Falconar, Esq. Secretary.

Sir,

By desire of Colonel Davis I refer to the better judgment of the honourable the Governor in Council the enclosed letter, received last night from Colonel Bell.

Colonel Davis and I are totally at a loss to comprehend its meaning, and we therefore desisted to reply to such a compound of incomprehensible confusion of matter. The aim, evidently, is to gain time, and to fabricate excuses for conduct which even the brightest genius could not palliate.

It is of course an object with the malcontents in the Fort to court our continued forbearance, (which is only now caused by Colonel Gibbs's delay in bringing forward the Bangalore Force) until the Garrison can be reinforced by the two Corps at Chittledroog.

4. These battalions are now on their march, and as extremities in the present crisis appear inevitable, I have, with the acquiescence of Colonel Davis, dispatched fifteen hundred Peons, armed with matchlocks, &c. and three thousand Silladar Horse, to prevent *at any risk* their forming a junction with the faction in control of Seringapatam.

5. Moderation has now been carried by us to its utmost length; and upon a view of the aggressing conduct of the enemy, and the insidious vile acts to shake the confidence of the Mysore Government, (as the enclosed correspondence with the Dewan will demonstrate) and overturn the present happy system of affairs in this country, I feel confident that no blame can attach to Colonel Davis and me for now deciding upon every measure calculated to overthrow the projects of rebellion, and to enforce, at the point of the bayonet, submission to Government and obedience to its decrees.

6. The underhand conduct of Colonel Bell is unaccountable, and I regret to perceive in a British officer of his high rank and long services so lamentable *an instance* of *absence* of all faith and truth.

7. Colonel Gibb's detachment, I lament to say, cannot arrive near Seringapatam before the 9th; in their absence a force from the Fort will probably march to conduct in the Chittledroog corps.

8. The failure of our wishes in this particular (should it unfortunately occur), must be attributable solely and entirely to Colonel Gibbs's tardiness in marching from Bangalore.

* Sic Orig. 9. The officers of the two companies at Nundydroog have succeeded *. The company of Manartoody shall be obstructed, and the collector of Bhowane has been requested by me to destroy all the boats on the Bowanee River, to prevent the Sankareedroog force from entering Mysore via Guzzleputty. Should this force however ascend the Ghauts, the bridge over the Capanee at Nunjingood shall be destroyed, and by this measure all communication with Seringapatam will be cut off.

10. The attempt by Colonel Bell to shake the Dewan has of course failed of success, and that old statesman continues firm to his engagements, ardent in his attachment, and full of resource and vigour in support of the British Government.

11. His conduct is indeed exemplary, and should we lamentably be forced to draw blood, I anticipate the utter extinction of the promoters of rebellion in this district.

12. The moment he received Colonel Bell's artful communication, he requested a conference, to which he brought the Letter and his own reply. The Honourable the Governor in Council will no doubt experience the utmost satisfaction at the continued steadiness of this approved ally, in circumstances that might infuse fear even into the heart of the most firm.

13. I have written to Canvay, to request that no troops, save those of His Majesty's service, be permitted to pass through the territories of his Highness; and I hope to obviate by precautionary measures all danger of an increase of foe to the British interests in this division.

14. The Dewan has this day furnished us, at the request of Colonel Davis, with four six-pounders, and an ample supply of ammunition, &c. his zeal and activity in bringing forward all the resources of the Mysore State at this arduous crisis are much beyond my praise; they will I am sure be duly appreciated by the Honourable the Governor in Council.

15. The detachment of His Majesty 80th Regiment arrived at Mysore this morning.

16. I have great satisfaction in reporting that the whole of the public cattle belonging to the Company's depôt at Hunsoor have been taken possession of; and that the public treasure in charge of the late Agent has been made over to me by Lieutenant Harvey.

17. I shall make immediate arrangements in communication with Colonel Davis for the temporary management of this important branch of our Military establishment. The guard who escorted the treasure have declared a determination to continue stedfast in their allegiance to the British Government; I have accordingly ordered them to do duty here, and that their pay may be distributed to them.

I have, &c.

Mysore, 7th August 1809. (Signed) A. H. COLE.

To Lieutenant Colonel Davis commanding in Myſore.

[No. 2. D.]

Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir, Seringapatam, 6th Auguſt 1809.

FROM the preſent melancholy poſture of affairs I think it neceſſary to lay before you, for the information of the officer in command of the Coaſt Army, and ultimately to Government,

That on my return from furlough in February laſt, I ſoon learnt there was a moſt alarming ferment at the Preſidency by oppoſing parties, and being not able to form a judgment of the caſe, I immediately determined not to take a decided part, otherwiſe than giving an opinion when called, or what was in my conception moſt likely to bring thoſe unhappy differences to a ſpeedy and amicable termination.

Notwithſtanding the diſtreſſing orders of the 1ſt May laſt, and the perſonal inſult caſt upon me in conſequence, I have always continued that line of conduct moſt likely to prevent a loſs of ſuch conſequences as the Britiſh intereſts in India.

Since my arrival in this Garriſon I have not had the ſmalleſt intimation from any authority of the objects Government have really in view. I have been treated with the greateſt poſſible neglect; and an entire want of that confidence which I would ſuppoſe my conduct, ſituation, and rank in the ſervice merited, has been ſtudiouſly withheld from me.

Theſe circumſtances have rendered it impoſſible for me to quiet the minds of the Garriſon, and to maintain that order and diſcipline, as I have before explained it to you, neceſſary to carry any points into effect.

I hear from all quarters of preparations making by the Myſore Government of an hoſtile nature, and ſeveral acts have already been committed by the Myſoreans in direct breach of the Myſore treaty.

You, Sir, who during the whole tranſaction, have acted in the moſt indirect manner with me, have not dared to inform me if ſuch preparations and acts had the ſanction of the ſupreme Government, or of the Government at home, who, I preſume, are alone empowered to tranſgreſs or alter any political meaſure or treaty, in which the welfare and ſafety of the Empire is involved; nor has the Reſident been more communicative than yourſelf.

The poſition of this Fortreſs, in the centre of the Myſore Kingdom, and in the vicinity of its Capital, demands that the reaſons for giving it up to the troops of that country be known, and well weighed before they are liſtened to.

The ſeniority of my rank has conſigned the Fort and Iſland of Seringapatam to my charge and defence; and it behoves me, as I love my country and my King, and as I value my Commiſſion and Character, not to reſign it until I am warranted ſo to do by legal authority.

I have been always aware that the conſequences of an illegal act can effect the perſons who commits it only; and when this principle has been ſo lately reiterated, through the medium of the General Orders, to every officer in the Army, as well by the Madras Government as by that of Bengal, there would remain no excuſe for my conduct were I by ſurrendering this place to act ſo directly contrary to thoſe injunctions; it even makes me ſhudder that ſuch a ſtep might involve the Nation to which I belong in a long and ſanguinary warfare; and that I ſhould then have juſtly to reproach myſelf with the blood of my brother ſoldiers, from inattention to my duty, or as ſome might ſuppoſe, intimidation.

It may in times of war be expedient (to effect the object in view) that an officer in command ſhould act by his own diſcretion; and he may be warranted in taking a place he has inſtructions ſo to do; or he may give up a place which has been taken during the Campaign, and is not yet fixed by any treaty. But I preſume it would be the act of a traitor only to abandon a Fortreſs of this importance, attached by treaty to the Britiſh Empire, without legal authority, particularly in times of profound peace with our neighbours, when the delay of a few weeks to obtain that authority cannot be of conſequence.

I have therefore written to the Dewan of Myſore, warning him of the part he is unwarily led to act; and I recommend it to you, Sir, and to Mr. Cole, to adviſe him to the ſame effect, for you may rely on it, that unleſs I am ſatisfied that it is the intention of the ſupreme Government to deliver over this valuable part of the Britiſh poſſeſſions to a power which, from its ſituation we ſhould be ſo jealous of, no effort nor attack will induce me to open the gates to its troops; and however moderate I wiſh to be, if the aggreſſion on the part of the Myſoreans ſhould continue, I may probably be induced in my own defence to repel it.

It appears to be of the utmoſt conſequence that you ſhould forward by expreſs this Letter to His Excellency Lord Minto, and communicate to me, more fully than you have hitherto done, what the intentions of Government are.

I have, &c. &c.

(Signed) J. BELL, Lieutenant Colonel, commanding.

Tranſlation of a Letter from Lieutenant Colonel Bell, commanding Seringapatam, to Purniah.

(After the uſual Compliments.)

I HAVE heard with ſurpriſe, and it has occaſioned me much concern, that you omitted to perform certain articles of the Treaty that was concluded ſome time ago between his Highneſs the Rajah of Myſore and the Honourable Eaſt India Company, by preventing proviſions from paſſing on the Iſland of Seringapatam for the uſe of the Britiſh Garriſon, by doing which you have acted contrary to the agreement with the Engliſh Government, and have forſaken its friendſhip.

[No. 2. D.] Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

It will be well if you take this subject into your consideration, and quickly make proper arrangements to prevent a continuance of those proceedings, but if not, it is my opinion that you will incur the displeasure of the British Government.

A true Translate. (Signed) A. H. COLE, 1st Assistant in charge.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir, Fort St. George.

1. I HAVE the honour to acknowledge the receipt of your Letter of the 4th instant, and expressing very great satisfaction that Sir George Barlow is pleased to approve my conduct.

2. Since my Letter of yesterday nothing has occurred, excepting the receipt of a second extraordinary Letter from Colonel Bell, to which no reply shall be condescended until we are strengthened by the force under Colonel Gibbs.

3. Colonel Bell's production is designed either to gain time, or to blind us to some purposed attack upon Mysoor previous to the arrival of the Bangalore force, which, I regret to say, may not probably reach this before the 10th.

4. We are prepared here for every occurrence; and I have no idea that any attack of the malecontents would succeed, unless they bring their whole force, and desert their fort *in toto*.

5. At all events we shall hope to do our duty; and when supported by a few companies of the 59th to be out of even the reach of evil.

6. I have delivered to Colonel Davis the enclosures of your Letter of the 4th, and the orders of Government shall be strictly obeyed by me.

7. Of the progress of the battalions from Chittledroog I have to-day received no information.

8. A Soobahdar of the 1st battalion 17th regiment, named "Bichoo Pandee," passing through Mysore on furlough, has been detained by the Rajah's troops. I explained the orders of Government to him, and he immediately consented to inlist in the cause of loyalty; I have consequently entertained and paid him his wages; and I beg to include him with those of the Residency-guard in my recommendation to Government.

I have the honour to be, &c. &c. &c.

Mysore, (Signed) A. H. COLE, 1st Assistant in charge.
8th August 1809.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 4th instant, and to acquaint you, for the information of the Governor in Council, that there can be no doubt but great good would result from publishing translations of Government Orders, of the 3d instant, to the troops in the Fort of Seringapatam; but it is next to an impossibility for any person to pass by the numerous sentries which are posted in and all around the fort, as every person who enters it is searched most strictly, and even then they are not admitted without finding security, and the fort is in every respect as closely watched as if it was in a state of siege; however, every effort shall be made to circulate the papers amongst the Native Troops in the Fort of Seringapatam, and throughout Mysore.

Enclosed I have the honour of transmitting to you copies of my Dispatches to Lieutenant Colonel Gibbs, with his answers, by which you will perceive that officer in no one instance has complied with my commands; and I am even at this late period dependent entirely upon the troops of the Mysore Government for the means of preventing a junction between the battalions of Chittledroog (which I am informed are now on their march to this place) and the troops in the Fort of Seringapatam, and very few of the Mysore troops are disposable, as it is necessary to keep all the regular force at Mysore for the preservation of the Capital, which has for some days past been threatened with an attack from the troops in Seringapatam. From every information I have been able to obtain there has been a large battalion train on the glacis of that fort every night for some time past.

Accompanying I have the honour of transmitting, for the information of the honourable the Governor in Council, a Letter (No. 12) I have just received from Lieutenant Colonel Bell, to which, as well as the one therein alluded to, I have not yet sent any answer.

Mysore, (Signed) HENRY DAVIS, Lieutenant Colonel, Mysore.
8th August 1809.

To Lieutenant Colonel Davies commanding the division.

Sir, Bangalore, 3d August 1809.

I HAD the honour yesterday evening to receive your Dispatch of the 31st July, with its enclosures, and as on that day I had the honour of sending you a copy of my proceedings relative to the orders of Government of 26th ultimo, I feel myself bound to the officers of the Company's service at this station, to await the decision of the honourable the Governor in Council thereon. I consequently have declined sending off the detachment agreeable to your orders, until I receive further instructions from the Government, or orders from you.

I have the honour to be, &c. &c.

(Signed) S. GIBBS,
Lieutenant Colonel commanding Bangalore.

[No. 2. D.]

Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant Colonel Gibbs, commanding Bangalore.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 31ſt ultimo, together with copy of your Diſpatch of the ſame date to Lieutenant Colonel Barclay.

I muſt expreſs my regret that you have ſuſpended the orders of Government of the 26th July, as circumſtances will not admit of further delay. I have therefore again to repeat my poſitive commands upon that ſubject, and to requeſt they may be carried into immediate execution.

I further deſire that you will move towards Seringapatam, Choultry, at Mundium, the whole of the force under your command, with the exception of the two companies of Native Infantry, and two troops of Native Cavalry, to which you will nominate ſuch ſelected officers as you may deem adviſable to be confided with the protection of Bangalore. The Native troops will be quartered in the Cantonment as herefore.

Such officers of the honourable Company's ſervice who object to the terms of Government, and who refuſe to ſign the obligation, you will be pleaſed to order to Oaſſoor, where they are to remain until further orders.

(Signed) HENRY DAVIS,
Lieutenant Colonel commanding Myſore.

Myſore, 3d Auguſt 1809.

To Lieutenant Colonel Davis commanding the diviſion.

Bangalore, 4th Auguſt 1809,
¼ paſt 6 o'clock, P. M.

Sir,

I HAVE this inſtant had the honour of receiving your triplicate Diſpatch, dated 3d inſtant, at one P. M. As I had the honour of reporting to you by expreſs on 31ſt July laſt, I had received the orders of Government of 26th ultimo, and that I had deferred putting them in execution from a ſolemn pledge from every officer of the Company's ſervice here that no means ſhould be by them uſed to fruſtrate the meaſures of Government, or to hold any kind of communication on the ſubject with their men, provided I would refer the buſineſs to the honourable the Governor in Council, I felt myſelf bound to do, as I had the honour to report to you by expreſs yeſterday; and as in your Order it is ſpecified that the detachment ſhould be ſent off the day after that I put the order of Government in execution, they of courſe have not marched, but from your communication to the ſenior officer, ſuppoſed by you on his march, I ſhall ſend off the detachment to-morrow morning.

I have the honour to be, &c. &c.
(Signed) S. GIBBS,
Lieutenant Colonel commanding at Bangalore.

To Lieutenant Colonel Gibbs commanding at Bangalore.

Sir,

To provide againſt any accidental interruption that may have taken place to the public Tappal between this place and Bangalore, I have forwarded duplicate copy of my Diſpatch of yeſterday's date, to your receipt of which I attach much importance, together with tranſcripts of a further communication from Government, as applying to the deſtination of ſuch of their officers who may decline to execute the required obligation.

(Signed) HENRY DAVIS,
Lieutenant Colonel commanding Myſore.

Myſore, 4th Auguſt 1809.

To Lieutenant Colonel Gibbs commanding Bangalore.

Sir,

ON peruſing yours of the 3d inſtant, this moment received, I muſt once more expreſs my ſincere ſorrow that you have not complied with my commands of the 31ſt ultimo. I therefore muſt repeat that the aforeſaid Orders may be carried into effect; and I have further to deſire that my Orders to you of yeſterday's date, requiring the whole of your force to march upon Seringapatam, with the exception of two companies of His Majeſty's 59th regiment, and two companies of Native Infantry, and two of Native Cavalry, may be adopted with promptitude and ſpeed.

The delays which you have already occaſioned may prove of fatal conſequences to the Britiſh intereſts in India.

(Signed) HENRY DAVIS,
Lieutenant Colonel commanding Myſore.

Myſore, 4th Auguſt 1809.

Sir,

Bangalore, 5th Auguſt 1809.

I HAVE to report to you that agreeably to your orders I this day put in execution the orders of Government of 26th July, ſuſpending every officer of the honourable Company's ſervice at this ſtation, they having done and all refuſed to ſign the paper tendered to them by order of Government. I alſo ordered that they ſhould repair as ſoon as poſſible to Oaſſoor, there to wait your further orders, but the orders I received from Government of 29th ultimo directed they ſhould chooſe a place for their reſidence until further orders, any where between Sadras and Negapatam.

The Native officers declared their attachment to the Company, and readineſs to obey ſuch officers as ſhould be placed over them by order of Government. The officers declare that they cannot procure the means of leaving Bangalore for want of money; there are only

[No. 2. D.] Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

three hundred pagodas in the pay-office. I applied to the Amildar for assistance, who declared he had only forty pagodas in different coins, but that in ten days he would procure five thousand pagodas. The balance due to the troops at this station is, I understand from the pay-office writer, thirty-five thousand Pagodas, as means of paying them; and although the Europeans may under these circumstances march, the Sepoys cannot, and as these officers declare their inability to move for want of money, to leave them here with their men might be of most fatal consequence. I must therefore in very great anxiety await your further orders.

I enclose a copy of the orders this day given out in Cantonment Orders, and hope they may meet your approbation.

I have the honour to be, &c. &c. &c.
(Signed) S. GIBBS,
Lieutenant Colonel, senior officer commanding Bangalore.

Lieutenant Colonel Davis commanding the division, Mysore.

G. O. Cantonment, 5th August.

THE officers of the 5th regiment of Native Cavalry, detachment of Artillery, 1st battalion 3d Regiment, and Garrison and Cantonment Staff of Bangalore, having declined signing a declaration presented to them by order of the honourable the Governor in Council, are pursuant to his further Orders suspended for the present from their military functions, and will with all practicable expedition repair to Oassoor, where they will await further instructions.

The following appointments to take place under authority of Government till further orders, or the approbation of the officer commanding the division has been received.

Captain Campbell of His Majesty's 59th regiment to receive charge of the Brigade Major's Office, and conduct the duties of it.

Lieutenant Darby to act as Fort-Adjutant.

Captain Bean, Lieutenants Campbell and Taylor, and Cornet Hilton, to do duty with the 5th Cavalry; and the latter officer to act as Adjutant.

Captain Campbell, 59th Regiment, to receive charge of the 1st battalion 3d regiment, and Lieutenant Sitton, 59th Regiment, to act as Adjutant to that battalion.

The detachment of Artillery to be under charge of the acting Fort-Adjutant for the present. His Majesty's 59th Regiment will immediately relieve the subalterns on Garrison duty, and furnish for that duty to-morrow.

(Signed) S. GIBBS, Lieutenant Colonel.
(A true Copy.)
(Signed) J. BEAUMONT, Assistant Quarter Master General in Mysore.

Sir, Bangalore, 6 o'Clock P. M. 5th August.

THE enclosed dispatch from Major Welsh I have this instant received, and think it my duty to forward it to you by express. I have answered it, desiring he will be more explicit. I cannot feel authorized in sending to him a detachment of Dragoons. I mentioned to you in my Dispatch of this day, the very embarrassed state I am in for want of money; Colonel Adams is endeavouring to assist in procuring sufficient to pay the officers of the 1st battalion 3d regiment, whom I am anxious to send away, as the Sepoys of that battalion are making unnecessary complaints, which I think originate from their officer lately commanding them, Captain Knowles.

I have the honour to be, &c. &c.
(Signed) S. GIBBS,
Lieut. Col. senior officer in charge of Bangalore.

Lieutenant Colonel Davis, commanding the Divisions, &c. &c. &c.

Sir,

I HAVE particular reasons for wishing you to send a detachment of European Dragoons here without delay; they shall be fully explained to you in future. I shall act upon honour towards any person who comes here on your part, as I am fully convinced you will towards the Gentlemen of this station.

We are declared in opposition to the present measures of Sir George Barlow; this perhaps you were unacquainted with, but I have long ere this stated so to Head Quarters. This is a private and confidential communication by express.

I am Sir, your obedient Servant,
(Signed) J. WELSH.

Nundydroog,
August 5, 10 P. M.

(A true Copy.)
(Signed) J. BEAUMONT, Ass. Quarter M. G. Mysore.

Sir, Bangalore, 6th August 1800.

THE enclosed Letter from Major Welsh, and addressed from the officer stationed at Nundydroog to the Commander in Chief, I have just received, Copy of which I have thought it my duty to forward you. I also beg to report I shall march to-morrow with the whole force under my command agreeable to your order, with the exception of such part as you have directed to be left here.

The

The Naigué who had charge of the Ammunition and other Stores reports that the former was ſent back to Mendium by order of the Town-Major of Seringapatam.

I have the honour to be, &c. &c. &c.

(Signed) S. GIBBS, Lieut. Col. Com. at Bangalore.

Colonel Davis, commanding the diviſion, &c. &c. &c.

(Copy.)

Lieutenant Colonel Gibbs commanding at Bangalore.

Sir,

I HAVE the honour to forward a Paper which I have to requeſt you will forward to Madras without delay.

I beg leave at the ſame time to offer apologies for making you the channel of ſuch a communication, which proceeds from the abſence of Colonel Davis, and an anxiety to anticipate the orders of Government, that we may ſhare in common with our brother officers at Bangalore, that temporary diſgrace which Sir George Barlow has determined to inflict on them.

Auguſt 5th 1809. I have the honour to be, &c. &c. &c.

(Signed) J. WELSH, Major commanding Nundydroog.

(Copy.)

WE the underſigned Officers of the Garriſon of Nundydroog, underſtanding that our brother officers at Bangalore have been called upon to ſign a Paper, promiſing implicit obedience to the orders of the honourable Sir George Barlow, Governor in Council of Fort St. George, and threatened with ſuſpenſion in caſe of refuſal, conceive it our duty unaſked to ſtep forward and declare that under exiſting circumſtances we ſhall decline ſigning any ſuch Paper if tendered to us; at the ſame time we think it incumbent on us to aſſign our reaſons for this act of diſobedience to the mandates of our immediate ſuperiors.

It is not at this late period neceſſary to ſtate all thoſe grievances under which the Company's officers alone labour (for the officers of His Majeſty's Service have been entirely exempted from a participation of them). It is ſufficient for us to declare that we are from principle embarked in one common cauſe; and that we have voluntarily pledged ourſelves to co-operate with our brother officers in all legal means to obtain redreſs.

It will therefore clearly appear that ſigning that Paper as the one in circulation, would be a breach of thoſe ſacred principles of honour by which we are actuated; a breach of faith towards our ſuffering brother officers, and a tacit acquieſcence in thoſe meaſures which we conceive to be of the moſt pernicious nature to the intereſts of the honourable Company (our Maſters), and of the moſt degrading tendency to our whole body and the ſervice in general.

We further have reaſon to ſuſpect, that were we baſe enough to ſign ſuch a promiſe through fear of loſing our Commiſſions, now no longer valuable if we cannot hold them with honour (that our ſwords) hitherto uſed only againſt the enemies of our country, would be directed againſt the boſoms of our brother officers, and our energies employed in overturning that Empire which our honourable Maſters have acquired by our unremitting exertions, and purchaſed at the expenſe of our Blood.

The Right honourable Lord Minto has admitted the right of ſoldiers on ſome occaſion to conſider the nature and tendency of Orders, under which ſanction we ſolemnly proteſt againſt meaſures which if perſiſted in cannot fail to ruin our honourable employers.

We ſee the evil already far advanced; we behold the probable conſequence of the preſent ſyſtem; and we ſhudder for the fate of Britiſh India.

We declare ourſelves true to the ſervice of our Maſters, and ready to ſacrifice our lives in defence of their rights and territory, but at the ſame time reſolved not to compromiſe our own honour.

(Signed) 3d Regiment, Major J. Welſh.—Captain Lieutenant Thomas Stevenſon.—Lieutenants James Walker; James Tagghert Thomas Dawſon.

To Lieutenant Colonel Davis, commanding in Myſoor.

Sir, Seringapatam, 8th Auguſt 1809.

As I continue in the determination expreſſed in my Letter to you of the 6th inſtant of not ſurrendering this fort, whatever attacks may be made upon it; and as I have within theſe two days received a report of an acceſſion of European troops to the forces likely to move againſt this place, I find myſelf under the neceſſity of ſecuring the Iſland againſt any poſſible ſurpriſe by cutting the bridges on the Cavery, which it is now my intention to do. But as the ſuperintending Engineer has given his opinion, that after cutting bridges of that conſtruction, in the preſent ſtate of the river, there is ſcarce a poſſibility that they ſhould ſtand. Unwilling to involve our Government, as that of Myſoor, into unneceſſary expenſe, I have deemed it fit to make you this ſtatement, that you may avert the calamity ariſing from the deſtruction of thoſe edifices, by pledging yourſelf, as well as Mr. Cole the Acting Reſident and Purniah Behauder, the Myſore Dewan, on your words of honour, that until an anſwer is received from the Right honourable Lord Minto, Governor General, to my Letter to you abovementioned, no force ſhall attempt to paſs on the Iſland, or by their approach to thoſe avenues cauſe any alarm to the Garriſon; that alſo until that time the Sepoys of the ſeveral guards at Myſore, &c. belonging to the corps here ſhall not be tampered with, or any further meaſure taken to prevent their joining, if they chooſe it.

I have the honour to be, &c. &c. &c.

(Signed) J. BELL, Lieutenant Colonel, Senior Officer.

[No. 2. D.]
Enclosure, No. 28, in Gen. Letter, Secret Dep. 10th Sept. 1809.

(Copy.)

Sir, Fort St. George, 14th Auguſt 1809.

I AM directed by the honourable the Governor in Council to acknowledge the receipt of your Letter of the 8th, with enclosures from 1 to 2.

It will be desirable, that in the event of your not being able to take the command of the Bangalore force in person, you should give the most positive instructions to Lieutenant Colonel Gibbs to use every possible exertion to intercept the corps now on their march from Chittledroog, and to prevent them either forming a junction with the mutinous Garrison of Seringapatam, or returning to Chittledroog.

Should the officers of these corps be infatuated, or so far lost to all sense of their duty to their King and Country as to attempt to offer resistance to His Majesty's or the honourable Company's arms, you will not hesitate to adopt such measures as may be necessary to reduce them to immediate obedience, and compel them to accept the alternative of surrendering at discretion, or meeting on the spot the fate of rebels and traitors.

I have the honour to be, &c. &c.

(Signed) A. FALCONAR, Chief Secretary to Government.

Lieutenant Colonel Davis.

To Alexander Falconar, Esq. Chief Secretary to the Government.

Sir, Fort St. George.

1. I HAVE the honour to report, that no further communication has taken place between us and the insurgents of the fort.

2. I cannot think that they will execute their threat of throwing down the bridges; but should they, the event will forward our cause, and supply us with double means of annoying them.

3. I informed you that a quantity of grain, sufficient for the support of the Garrison for several months, has been amassed, and it is thought a diversion in favour of the Hydrabad Subsidiary Force is the object of their present obstinacy.

4. The Chittledroog corps have been permitted to reach Surah, where the Mysore Horse and Peons will this day fall in with them, and by their exertions, I trust, delay their progress until Colonel Gibbs's detachment arrives in the vicinity of the Island, when a junction with the fort will be impracticable.

5. The spirit and disappointment of the insurgents towards the Dewan, in consequence of his spirited reply to Colonel Bell's insidious Letter, has manifested itself by that officer having placed a guard over Poornia's house at Seringapatam, in which all his private property collected during the last twenty years is placed.

6. As plunder and bad faith are the order of the present times with our enemy, this property will no doubt share the same fate as that already ravished from the Company and Mysore Government. But the hour of retribution will yet come, however distant; and though we have not the means to erect batteries against the fort, I shall hope ere long to behold the standard of loyalty over that of rebellion on the ramparts of Seringapatam.

7. The Dewan bears the expected loss of his property with great manliness, and his ardour in our cause is by no means damped by it. The circumstance however hurts his pride, and evidently annoys him.

8. I have of course entered into all his feelings on the occasion, and have informed him that Government will be answerable to him for the loss he may sustain, should his house be plundered.

9. I trust the honourable the Governor in Council will not disapprove of my conduct in this instance.

10. From the manifest obstinacy of the insurgents, I fear no force can be disposable from this quarter so soon as Government expect.

11. No exertion, however, shall be spared by those in authority here to terminate the contest; and I trust a return of reason, and consequently of loyalty, together with the prevention of a junction with the Chittledroog or any other corps, will second our endeavours.

12. Colonel Gibbs's force, after all its delay, must march to-morrow, I should hope, to the vicinity of the island; had Colonel Davis's orders respecting its movements been obeyed at first, matters might not have taken so serious a course. I believe, however, that want of money to pay the Native corps and their leading officers, have been the cause of Colonel Gibbs's tardiness in advancing hither.

13. The insurgents hitherto have presumed upon our forbearance, which has been generated by a natural desire to obviate extremity on our part, and by our inability to act with vigour consistently with the policy and propriety of not exposing the Mysoor capital; and I really believe that the enemy have indulged the preposterous expectation that the troops of His Majesty's service would not act against them.

14. Future events will, I anticipate, explain their error, and evince, to their cost, that moderate minds may be driven to the most vigorous acts; and I only wish Colonel Davis had the command of a large battering train capable of reducing the insurgents to that state of humiliation to us which their outrageous acts of violence and aggression authorize us to hope for with anxiety.

15. Colonel Davis may probably take the command in person, to-morrow, of the Bangalore force.

I have the honour to be, &c.

Mysore, 9th Auguſt 1809. (Signed) A. H. COLE, 1st Assistant in charge.

To Alexander Falconar, Esq. Chief Secretary to Government.

[No. 2. D.] Enclosure, No. 28, in Gen. Letter, Secret Dep 10th Sept. 1809.

Sir, Fort St. George.

1. I HAVE the honour to communicate that the Bangalore force will encamp this day within a few miles of the Island; and as the Chittledroog *relief* cannot be expected for two days by the mutineers, their junction with the fort will be, I trust, foiled.

2. No report is made to me to-day of the consequences of Buckshee Ram Row's meeting with the Chittledroog party, but I hope to give a better account of his proceedings to-morrow.

3. A guard is placed in the fort over the Rajah's private property, as well as the Dewan's; and I greatly fear the deposits of his Highness and Minister amount to a very considerable sum. General Wellesley, formerly reflecting on the superiority of Seringapatam fort over that of Mysore, had recommended all the valuables of this Court to be placed there. He, however, little knew that they would become the prey of a lawless banditti; that the very means taken to effect their security would eventually prove their ruin.

4. The Dewan, I am persuaded, experienced only a momentary annoyance on the subject; for his zeal and feeling for the British cause are not to be affected by any probable events.

5. The lengths to which our enemy were prepared, to force matters will be further made evident when I inform the honourable the Governor in Council, that a confidential Parsee servant of the late Rajah of Coorg, named Byranjee, having been intercepted and brought hither, on his route to Mercaia, by our Horse this day, informs, that he was desired by the principal agitators of evil in the fort to take a Letter to the Coorg Ranee, with an offer of friendship to her Highness, accompanied by a request that she would facilitate the progress through her dominions of a mutinous corps on its march from Cannanore, and destined to support the *heroes* of Seringapatam.

Considering, however, that this man might probably betray their secret to me, they did not afterwards employ him on their important mission.

Having reason to put confidence in Byranjee Parsee, I reiterated my request through him verbally, and by Letter to the Coorg Government, that no Sepoy battalion be permitted to pass through his Highness's Country on any errand; in fact I have informed the present Minister that the Right honourable the Governor General in Council expects this mark of friendship from him, and will be highly disappointed should his wishes be unattended to.

The report of this day is, that the appearance of the force under Colonel Gibbs is to be the signal for the demolition of the bridges of the Island.

The destruction of these edifices appears to my judgment to be rather a desirable object, and may be the means of rendering a proportion of our Cavalry available in the event of no outward foe being expected.

I believe in a former Dispatch I have exaggerated the number of Europeans in the fort of Seringapatam; they are, however, I fear, still sufficiently numerous, in our present total non-equipment of guns, to hold possession of the Garrison until we become provided with means to carry on a siege.

The officer deputed to select horses at Closepett has informed Colonel Davis, that the required number (350) have been chosen, and dispatched by him to the Presidency, where I hope they will meet the purposes for which they are designed.

I do myself the pleasure to enclose the translation of another Letter from Colonel Bell to the Dewan, with his reply. The one is insidious as the other is honourable; and I hope to find Poorniah ever true to the latter feeling in his engagements with the British Government.

I have the honour to be, &c. &c.

Mysore, 10th August 1809. (Signed) A. H. COLE, 1st Assistant in charge.

Translate of a Letter from Colonel Bell, without date, to Poorniah, the Dewan of Mysore.

(After compliments.)

I HAVE received your Letter, and understand its contents. It appears that you have ordered European officers and Sepoys, who may pass on leave to visit their families, to be apprehended. I am given to understand that this order is rigidly enforced, without having the fear of God before your eyes, and in the face of your engagements with the Company. It is perfectly well known that you are doing great injury to the Company, and I have, in consequence, imprisoned all the persons of your Circar now within the fort, until instructions are received from the Right honourable the Governor General of Bengal. If in future, during this business, you conduct yourself well, we shall behave in like manner. I have also given orders to prevent your things, and those belonging to his Highness the Rajah, from being removed out of the fort; and if you again stop provisions and necessaries required for the people of this garrison, all your disposable articles will be taken possession of and an account rendered of the same.

What more!

(A true Translation.)

(Signed) J. SULIVAN, Assistant Resident.

Translate of a Letter to Colonel Bell from the Dewan of Mysore, without date.

(After Compliments.)

I HAVE received your Letter, which states as follows, (here Colonel Bell's Letter is recited) to which I reply, I am not empowered, neither do I ever act of my own accord. When his Highness the Rajah's Government was established, the Right honourable the

[No. 2. D.] Enclosure, No. 29. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Governor General was pleased to appoint a Resident to this Circar, with full powers, and my conduct and actions are always governed by his directions. No Sirdars have ever corresponded with me before this time; neither have I of myself held any correspondence with them, nor have I ever failed in my engagements with the Company.

The house, servants, &c. belonging to his Highness the Rajah and myself, were placed in the fort of Seringapatam by the advice of the Governor General, and of General Wellesley. Colonel Davis is now in the place of that officer, and Mr. Cole is in the place of the Resident, therefore whatever orders they give me I consider as coming from the Governor General. I have informed them of what you have written to me. Until this moment I have never received any orders from the Government differing from each other. I have always considered the Resident's orders as one and the same with the Government, and I continue in the same opinion. The Rajah's property and mine is the same as the Governor General's, who is the preserver of us both. I have never done any thing contrary to my engagements, neither will I ever in future. Let what will happen I shall always continue faithful and unalterable in my engagements to the Company.

(A true translation.)

(Signed) J. SULLIVAN, Assistant Resident.

(True Copies.)

(Signed) A. FALCONAR, Chief Secretary to Government.

Enclosure, No. 29.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Fort-St. George.

1. Ram Rao's party met the Chittledroog battalions about thirty-five miles from the object of their march.

2. The Officer in command sent to say he wished to have a conference; Ram Rao accordingly attended upon him, and informed him that he had received Orders from his Government to prevent the detachment from advancing upon the Fort of Seringapatam; the officer, Captain Mackintosh, I believe, of the 8th Infantry, replied, that he might do as he liked, but for his part he was determined not to draw his sword, or to act in an offensive manner; this staggered Ram Rao a good deal, and he sent to me for Orders.

3. I accordingly directed he should inform the Officer, that it was my express Order, and that of Colonel Davis, that every means should be used by the Mysore Horse and Peons to prevent a junction of the detachment with the Fort; and I forwarded to Ram Row the accompanying paper, to be shewn to the officer in command, together with several copies of Translations of the General Orders of the 3d instant, to be distributed among the Native Officers and Sepoys.

4. If therefore the detachment from Chittledroog are obstinate on pushing forward, an action must take place; and though Ram Row may not be able to beat off the party, I am in hopes he will so detain them that the arrival of the Bangalore force will quickly ensure their submission.

5. The Bridges, I understand, on each side of the Island, have been broken up by Colonel Bell in the centre, and a moveable platform thrown over each conduit, to impress upon our minds the idea that he fears an attack upon the Fort, for with his command of artillery over both bridges no attempt could succeed by the route of either.

6. I regret to say that Colonel Gibbs has great apprehensions of the fidelity of the Native corps in his detachment; I trust, however, that this proceeds only from a temporary feeling of annoyance at their recent separation from their officers.

7. I have the honour to enclose an intercepted Letter in ciphers, which was delivered to a King's Officer, doing duty with the 5th Native Cavalry, on the march of that corps from Bangalore.

8. The man upon whom it was found said he was directed to give it to Captain Smith of the 5th Native Cavalry, or to Mr. Blackestone of the Engineers, and that he had received it from Lieutenant Mackintosh of the Artillery at Seringapatam.

9. These circumstances may lead to a discovery of the key to this cipher, which I am unable to master.

I have the honour to be, Sir,
Your most obedient humble Servant,

Mysore, August 11th 1809. (Signed) A. H. COLE, 1st Assistant in charge.

To Captains Asgill and Mackintosh, or senior officers in charge of the battalions advancing from Chittledroog.

Ram Row, the bearer of this, has the Orders of Lieutenant Colonel Davis, the officer commanding the Mysore division, and of the Honourable Mr. Cole, the Acting Resident in Mysore, to inform the officers commanding the battalions advancing from Chittledroog, that they will not be permitted to move one step farther with the troops; that they must either sign the pledge, obey the Orders of the Government of Fort-St. George, or accept the alternative, as directed by the General Order published by the Honourable the Governor in Council, under date the 26th July; and that any attempt which may be made by them to march on will be resisted by the troops under the command of Ram Row, and by the force from Bangalore, under the Orders of Lieutenant Colonel Gibbs, which is now encamped in the vicinity of Seringapatam.

Ram

[No. 2. D.]
Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Ram Row, is further directed by Lieutenant Colonel Davis, and by the Honourable Mr. Cole, to acquaint the officers commanding the battalions, that in the event of their refusing to sign the pledge, and consenting to accept the alternative offered by the Honourable the Governor in Council in the General Orders above mentioned, the whole of the officers will immediately separate from their men, and repair without delay to Mysore, for the purpose of being permitted to march to the sea coast, in conformity to the Orders of Government; the men are to remain on their present ground, until further arrangements shall be made. Ram Row is *positively directed* by the authorities above named to prevent, at any risk, the further advance of the battalions in the event of their making any attempt to march on, after the officers shall have been made acquainted with the directions herein contained.

Given under our hands and seals,

(Signed) A. H. COLE, 1st Assistant in charge.
H. DAVIS, Lieut. Col. com. Mysore.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Fort-St. George.

I HAVE the honour to report to you for the information of the Honourable the Governor in Council, that the force under Lieutenant Colonel Gibbs arrived yesterday in the vicinity of Seringapatam, and is now encamped within three miles of that place.

2. Enclosed I do myself the honour of forwarding copies of No. 1 and 2 of two Letters received yesterday from Lieutenant Colonel Gibbs, by which the honourable the Governor in Council will perceive that there is great reason to question the feelings and spirit which at this moment pervade both the party of Artillery and the Native troops with Colonel Gibbs's detachment. It is my intention to institute immediately a rigorous scrutiny into the conduct of Serjeant Taylor, and to inflict exemplary punishment, should his conduct prove to be of the reprehensible nature described in Colonel Gibbs's Letter.

3. The battalions advancing from Chittledroog are by our last accounts nearly thirty miles distant from Seringapatam; and from the positive instructions which have been issued to the officer commanding the Mysore troops, and to Lieutenant Colonel Gibbs, I entertain a sanguine hope they will be prevented from forming a junction with the insurgents of the fort.

4. Three Companies of His Majesty's 59th regiment arrived at Mysore this morning under the Orders of Major Macleod; and I have great satisfaction in assuring the Honourable the Governor in Council, that this reinforcement has made our force here sufficiently formidable to bid defiance to any attack which may be made on the capital of this country from the malcontents in Seringapatam.

5. When the troops under Lieutenant Colonel Gibbs are refreshed, it is my intention to to make another attempt to carry the Orders of the Honourable the Governor in Council, under date the 26th ultimo, into execution. The recent loyalty displayed by the officers of the Native corps in Travancore gives me a faint hope that I may yet be successful in attaining that object, as the Officers in Seringapatam must by this time be convinced that the outrageous measures which have been taken by them, and by those at Hydrabad, have not met with that universal approbation and support which they so sanguinely anticipated.

6. The intercepted Dispatch mentioned in the Enclosure, No. 1, will be transmitted to you by Mr. Cole, we have not been able to decipher it.

I have the honour to be, Sir,
Your most obedient humble Servant,

Mysore, 11th August 1809. (Signed) H. DAVIS, Lieutenant Colonel, Mysore.

Sir, (Secret) Ragaviah's Choultry, 10th August 1809.

IT has just been reported to me from Lieutenant Colonel Adams, that the Subadars and Jemadars of the 5th regiment of Native Cavalry have declared to Captain Bean in charge of that corps, that they will not act against the Subadars and Jemadars, (their expression) of other Native corps. I have also the honour to send you an intercepted Dispatch, which was to have been delivered to Captain Smith of the 5th Cavalry, but luckily by mistake was delivered to Captain Bean. Colonel Adams has also been informed by the corporal of Artillery attached to the 25th Dragoons, that in a conversation he had with the Artillery serjeant attached to the 5th Cavalry, the latter told him the troopers were determined to desert and go into Seringapatam by all opportunities. The 1st battalion of the 3d regiment Native Infantry, it is natural to suppose, is tainted with the same principles; and Major Macleod will explain that there is great reason to have the same opinion of the Artillery. I am proceeding to the ground ordered by you to be occupied, but am at a loss how to act should a strong force appear, as should coercive measures be requisite half of my force would turn against us.

I have the honour to be, &c. &c. &c.
(Signed) S. GIBBS, Lieutenant Colonel.

To the Assistant Adjutant General of the Division, Ragaviah's Choultry.

Sir, 10th August 1809.

I BEG leave to acquaint you for the information of the officer commanding the division, that I found it necessary to place serjeant Taylor of the Artillery in confinement last night, and that he proceeds as a prisoner with the detachment under Major M'Leod; for the circumstances

[No. 2. D.] Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

cumstances of his offence I beg leave to refer the officer commanding the division to Major M'Leod.

I beg leave to add, that these circumstances, and others connected with them, induced me to attach his accuser, Alexander Clinch, Matros of Artillery, for the present, to the 59th regiment; in order to separate him from the rest of the detachment, whom he generally accuses of seditious menaces and criminal intentions.

(Signed) S. GIBBS, Lieut. Col.

To A. Falconar, Esq.

Sir,

I HAVE the honour to report, for the information of Government, that an officer is this moment arrived from Colonel Gibbs's Camp, to report that an action took place this day, about twelve o'clock, between the 25th dragoons, aided by the Mysore horse, &c. and the Chittedroog detachment; the latter were completely routed, and many of them killed. The particulars of this affair I am unacquainted with, but my Dispatch of to-morrow shall detail them.

I have the honour to be, Sir,
Your obedient Servant,

Mysore, 11th August, 10 P. M. (Signed) A. H. COLE,
1st Assistant in Charge.

N. B. The affair took place within a Cos of the Fort of Seringapatam; Colonel Davis will have the honour to address Government to-morrow.

Sir, Camp near Seringapatam, 11th August 1809.

I HAVE the honour to inform you that at about eleven o'clock this morning I heard some firing towards the Chittledroog road, and instantly dispatched a patrol of dragoons to learn the cause; having received information from the Resident that the Sillidar horse would give timely information, I was easy, although ready to turn out almost immediately. Three of his Highness's the Rajah's Sillidar horse came to report that a force from Chittledroog was advancing. Just at the same time a Letter from the officers in Seringapatam was sent to me, desiring a conference, but of which I took no notice; this Letter Lieutenant Dick of the 80th regiment will deliver to you; he handsomely volunteered his service with the 59th regiment.

I ordered the line to turn out, which was done with the utmost expedition, the Sepoys joining the Europeans with the greatest alacrity. I formed the advance, consisting of a squadron of light dragoons, the light infantry company of the 59th regiment, and one gallopper, under the command of Major Cardin. I left Lieutenant Col. Adams to bring up the remainder, which he did as soon as it was possible, considering the nature of the ground. The difficulties the troops had to encounter through paddy-fields and deep morasses made this a very difficult task, but the troops surpassed every obstacle, and joined in the pursuit. Seeing these unfortunately infatuated people flying in confusion, hard pressed by the Sillidar horse, I desired Major Cardin, if possible, to overtake them by a circuitous route, for we could not cross the Nuller in our front, and to spare the effusion of blood. I wished a white flag to be sent them by an officer, which Lieutenant Jefferies of the 25th dragoons most handsomely volunteered taking, as my Brigade Major, Captain Campbell 59th, had been dispatched with orders to another part of the field. As Major Cardin, with two squadrons of the 25th dragoons and one gun approached the rear of their column, Lieutenant Jefferies advanced with a white flag; the Sepoys salamed, but an European officer ordered them to fire; the Sillidar horse gallantly rushed in to his rescue. Having made the necessary arrangements to prevent any interruption from Seringapatam, I advanced with the flank companies of the 59th towards Webb's monument, but could not, with our utmost exertions, head or even come up with these battalions; but from the hard pressure on them by the light dragoons and Sillidar horse, (which latter took from them two guns, and both colours from one battalion) I have every reason to think that very few reached the Fort. During these transactions the troops from the Fort had marched to attack our camp, for the protection of which I had left the picquets, quarter-guards, and the 5th Native cavalry, with one gun, under the command of Captain Bean. The force from the Fort was, I understand, under the command of Lieut. Colonel Munro, with two companies of artillery and ten guns, under Major Freese; they immediately retired when fired upon by Captain Bean, who then detached the 5th cavalry to the support of the infantry, posted in front of the bridge, with a village on their right, on which point this force was immediately marching.

The prisoners taken report that their loss in killed and wounded was considerable; as far as I could judge I estimate the killed at one hundred and fifty; on our side, I am happy to say, not a man was hurt, with the exception of Lieutenant Jefferies slightly wounded; one horse of the 25th killed, and one wounded. The casualties in the Sillidar horse have not yet been reported to me, but I believe they are very trifling.

During these operations the Fort fired several shots of large calibre.

I have the honour to be, Sir,
Your very obedient Servant,
S. GIBBS,
Lieutenant Colonel Commanding Field Detachment.

To the Chief Secretary to Government.

[No. 2. D.] Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir, Camp near Seringapatam, the 12th Auguſt, 1809.

I HAD the honour yeſterday of tranſmitting to you a copy of my report to Lieutenant Colonel Davis commanding the Diviſion, detailing the proceedings of the detachment under my command, and I am now to acquaint you for the information of the Honourable the Governor in Council, that ſoon after 12 o'clock laſt night a heavy cannonade and bombardment were commenced from the neighbourhood of the Lol Baugh, in the Iſland of Seringapatam, but with no other effect than the loſs to us of 1 graſs-cutter of the 5th Cavalry, and four horſes of the 25th Dragoons killed; ſome followers, and a few cattle wounded.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) S. GIBBS, Lieut. Col.
commanding Field Detachment.

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I HAVE already communicated to you for the information of the Honourable the Governor in Council, that the corps in Garriſon were equipping for field-ſervice; and have now to ſtate, that an extenſive range of tents appears to the weſtward and in the rear of my houſe, to which ſpot I am informed ſome ſtores have been removed.

I have further to appriſe you, that I have heard an application has been made to the Paymaſter of this Garriſon for the delivery of the keys of ſome ſtores in his department, to which with a proper ſenſe of his duty he refuſed compliance.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) J. PATER, Major General,
Maſulipatam, 10th Auguſt 1809. commanding the Northern Diviſion of the Army.

To Major General Gowdie commanding the Army, Fort St. George.

Sir, Seringapatam, 10th Auguſt, 1809.

I HAVE to requeſt you will do me the honour to lay the encloſed papers before the Right Honourable the Governor General on his arrival at Madras. I have only to obſerve that I have not forwarded theſe papers through the officer commanding this Diviſion, in conſequence of his having refuſed to place any confidence in me, or even condeſcended to reply to the Letters I have written him concerning the events now paſſing, a mode of conduct which appears extremely unuſual towards an officer in my ſituation.

I truſt the ſteps I have purſued will meet your approbation, and that you will urge His Excellency to give the ſubject his ſerious conſideration.

I have the honour to be, Sir,
Your moſt obedient and humble Servant,
(Signed) J. BELL, Lieut. Col. ſenior officer

To his Excellency the Right Honourable G. Lord Minto, Governor General, &c. &c.

My Lord, Fort St. George.

IT is with the utmoſt compunction that I addreſs your Lordſhip out of the uſual channel, an expedient I never would have recourſe to were I not directed to it by the moſt imperious circumſtances.

I have uſed every endeavour to obtain Colonel Davis's confidence, as well as that of the Honourable Mr. Cole, acting Reſident, but to no purpoſe, in order to learn what are the real intentions of Government in regard to this place.

After having for ſeveral days obſerved preparations of an hoſtile nature round this place, and having been given to underſtand from various quarters that the whole of the Myſore forces and reſources were about to be employed to reduce this Fortreſs, without being able to aſcertain the authority for ſuch meaſures further than that they were encouraged and ſupported by the acting Reſident, and by the officer commanding the Forces in Myſore, I addreſſed a Letter to Lieutenant Colonel Davis on the ſubject, and in that Letter I communicated my determination to reſiſt whatever force might appear before this place until I was ſatisfied that the breach of the Myſore treaty had the approbation of the ſupreme Government.

Colonel Davis has not deigned to reply to my Letter. I likewiſe wrote to the Dewan of Myſore, warning him of the conſequence of the conduct he was induced to purſue, in order to avoid, if poſſible, the ſpilling of blood, but his anſwer was far from ſatisfactory.

Your Excellency will perceive in my Letter of the 8th inſtant to Lieutenant Colonel Davis, a further endeavour to prevent miſchief, by informing that officer of my intention, in the event of an European force co-operating with the troops of the Dewan againſt this place, to cut the bridges over the River, a meaſure which might occaſion the total deſtruction of thoſe edifices.

Copies of all theſe Letters I have now the honour to forward for your Excellency's conſideration, together with one to Mr. Smith the Paymaſter, which he has not replied to, and another to the Dewan of Myſore, in conſequence of a great number of ſmall guards, and other detached parties of Native troops, having been ſeized, diſarmed, and confined by his orders.

[No. 2. D.] Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I therefore truſt your Excellency will honour me with your commands, and inſtruct me in the line of conduct I am to purſue in this difficult part, ſo as not to endanger the country, or to commit the character of the Britiſh Army.

I have the honour to be, my Lord,
Your Lordſhip's moſt obedient and humble ſervant,
(Signed) J. BELL, Lieut. Col. ſenior Officer.

Seringapatam, 9th Auguſt 1809.

10th Auguſt, P. M.

P. S. Since writing the above an encampment has been formed to the north-eaſt of this place, at the diſtance of about 2½ miles. I have not yet been able to aſcertain what force it is, but ſuppoſe it to be the European corps from Bangalore. Every thing here is in readineſs for the defence I am determined to make, until I receive your Excellency's inſtructions.

(Signed) J. B.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir, Fort-St. George.

You will have been appriſed by a Diſpatch from Mr. Cole, that indiſtinct reports were received at Myſore laſt night, of an action having taken place in the courſe of yeſterday, between the Native battalions advancing from Chittledroog, and the Myſore troops under the command of Ram Row, ſupported by Colonel Gibbs's force, which it was reported, had terminated in the complete route of the battalions.

2. Mr. Cole will forward to you by this evening's Tappaul the details of the affair as reported by the Dewan, and I do myſelf the honour of tranſmitting herewith copies of two Diſpatches from Lieutenant Colonel Gibbs, containing his accounts of the tranſaction.

3. The Honourable the Governor in Council will perceive that a very material difference exiſts in the two accounts with regard to the loſs which has been ſuſtained; but I apprehend that credit is to be attached to the whole narrative of Pooniah, as he reports the action to have commenced nearly twenty miles from hence, and to have continued ſome hours before Colonel Gibbs's force came up.

4. The Honourable the Governor in Council will I am ſure be well pleaſed if I ſpare him a further detail of this affair, it will be ſufficiently painful for him to learn that many deluded wretches have fallen a ſacrifice to the wicked inſanity and traiterous purpoſes of their officers; and that ſucceſs has not been purchaſed without ſome loſs on the part of our ally.

5. Every Diſpatch tranſmitted to Government both by Mr. Cole and myſelf, will have convinced the Honourable the Governor in Council, that a part of extreme forbearance and moderation has marked our conduct from the commencement of theſe unhappy troubles. Mr. Cole will inform you how well this ſpirit was underſtood and acted upon by Ram Row, the Commander of the Myſore Horſe, and it will be evident to the Honourable the Governor in Council, that nothing but an obſtinate determination on the part of the officers of the Chittledroog force to perſiſt in their reprehenſible conduct and purpoſes could have occaſioned the cataſtrophe of yeſterday.

6. It will be ſuperfluous and impertinent in me to point out to the attention of the Honourable the Governor in Council, the alarming ſhock which the Government, and perhaps our Empire in the Eaſt, might have ſuſtained, if theſe battalions had effected a junction with the malcontents of Seringapatam, in the preſent formidable and complete ſtate of equipment of that Garriſon. They would have formed a depôt of the rankeſt malcontents, and would probably have employed the whole means, and defied the power of Government for a length of time.

7. I have had no communication with the Fort for ſome days, and am ignorant of the feeling which at this moment exiſts in the Garriſon; but it is but natural to ſuppoſe that they will be much exaſperated by the occurrence of yeſterday, and bent on ſome purpoſes of deſperation; it will be either to make an attack on Myſore, or on the force under my command, or they will come to a determination to hold out the Fort to the laſt extremity.

8. I am happy in being able to aſſure the honourable the Governor in Council, that the preparations which I have made are amply ſufficient to render either of the attacks abortive. It will be evident to the honourable the Governor in Council that no effectual meaſures can be taken for reducing the Fort to obedience without the aſſiſtance of a battering train from Madras. The honourable the Governor in Council is aware of the ample reſources which the Garriſon at this moment poſſeſſes. It only remains with me to maintain a vigorous blockade; and I hope to be able moſt completely to effect this object with the aſſiſtance of the Myſore Empire.

9. I ſhould be doing very great injuſtice to my own feelings if I were to omit bringing to the notice of the honourable the Governor in Council the effectual, able, and willing aſſiſtance which has been afforded to the Britiſh Government by the Dewan of Myſore in the preſent arduous and momentous criſis. Lieutenant Colonel Gibbs has reported to me in the ſtrongeſt terms, the high ſenſe which he entertains of the conduct of Ram Row and the Siſſadar Horſe under his command, during the action of yeſterday. I feel aſſured that the honourable the Governor in Council will appreciate the conduct of the Myſore General as it deſerves.

* Sic Orig. It is totally impoſſible for me to convey * in regard to Mr. Cole; I can only ſay that to his judgment, moderation, and firmneſs, Government are infinitely indebted for the preſervation of their intereſts in this quarter.

Accurate

[No. 2. D.]
Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Accurate returns of the loss sustained by the Chittledroog force will be transmitted the moment I can ascertain the amount. Lieutenant Jefferies, of His Majesty's 25th dragoons, has received a slight wound in the face, and this is the only casualty which has occurred in the force under my command.

I have the honour to be, Sir,
Your most obedient Servant.
(Signed) W. DAVIS,
Lieutenant Colonel, Mysore.

Camp near Ragaviah's Choultry,
12th August 1809.

To Lieutenant Colonel Davis commanding the division.

Sir,

I HAVE the honour to inform you that I have this day removed the detachment about three miles to the rear of the position we occupied yesterday. I have been induced to make this movement for the following reasons, which I hope you will judge satisfactory. The position from which I have retired is so situated as to be liable to constant attack from various points; with this advantage to the oppofers of Government, that it is scarcely possible from the ground to prevent their retreat.

From the desperate conduct of this enemy yesterday, and from their firing upon our camp last night, as well as from some preparations, which in reconnoitring the environs I have observed from a continuation of the system of night alarms, I am induced to hope that I may succeed in drawing them to such a distance from the Fort as to enable me to attack them with advantage, and to prevent their retreat into Seringapatam.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) S. GIBBS,
Lieut. Col. commanding field detachment.

Camp near Seringapatam,
12th August 1809.

To Alexander Falconar, Chief Secretary to Government.

Sir, Fort St. George.

COLONEL DAVIS who went to join the Bangalore force this morning, having authorized me to open his public Letters, I have the honour to enclose a copy of one from Colonel Gibbs, stating the affairs of yesterday which occurred with the Chittledroog detachment, to the utter extinction, I am almost sanguine enough to hope, of that mutinous and treacherous body.

This Letter was forwarded by Col. Gibbs direct, and has been already inserted in the List.

2. The honourable Governor in Council will pardon me on this point, I trust, when he reflects upon the conduct of these corps in plundering the Rajah's Treasury, in robbing every village on their march, and in firing upon a British Officer with a flag of truce in his hand, after they had solemnly assured Ram Row of their intentions of not firing a shot.

3. The progressive outrages of their ringleaders in Seringapatam may also be recollected and set down in addition to their own.

4. It was the duty of Colonel Davis and myself to prevent, at all risk, a junction of these corps with Seringapatam; for the consequences of such an event might have been most detrimental; and since we could not effect an honourable point peaceably, we are not ashamed of having done it by force.

5. In these circumstances, therefore, and after our own exhortations to Colonel Bell and his officers, for the promotion of harmony and obedience to Government, I trust that the conduct of Colonel Davis and myself will not be deemed precipitate; and though I must ever lament the horrible course which matters have taken, I cannot indulge a semblance of pity for men who have thus openly, in defiance of every principle of right, rushed on to their own ruin in endeavouring to effect that of their country.

6. From every circumstance I can collect, it appears that a very few of the detachment have escaped; the commanding officer, Captain M'Intosh, is now a wounded prisoner at the Residency, and he believes that his brother officers have generally suffered.

7. All the Baggage, two Guns, and a great number of Firelocks are captured; among the King's troops no casualties have occurred, but a very considerable number of the Silladar Horse have been killed, this body having skirmished with the detachment during the last twenty miles before the action took place.

8. I greatly regret that affairs could not have been accommodated with these unfortunate battalions; but I feel conscious that Colonel Davis and I have omitted no means to avoid extremity, and therefore that my Government and my Country can attach no blame to me upon the occurrence of this unfortunate catastrophe.

9. Colonel Gibbs's second letter respecting the hostility evinced last night towards his country, by the officers in the Fort, will demonstrate to Government the obstinacy of that Garrison, and their blind determination to hold out to the last.

10. I have the pleasure to congratulate the honourable the Governor in Council upon the conduct of the Native troops with Colonel Gibbs's detachment, as also upon the enclosed Letter from Captain Lucas at Bidnore; Colonel Davis's departure to Camp making me the medium of this communication.

11. I trust the want of arrangement and detail in this dispatch will be pardoned. I am greatly hurried by a severe press of business, and I cannnot depend upon Native accounts for correct information.

[No. 2. D.
Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

12. The forbearing conduct of Ram Row and the Silladar Horse at their first meeting with the Chittledroog corps, and their vigorous exertions at the close of yesterday's action, will, I feel assured, meet with due approbation from the honourable the Governor in Council.

I have the honour to be, Sir,
your most obedient humble Servant,

Mysore, 12th August 1809. (Signed) A. H. COLE, 1st Assistant in charge.

To Lieutenant Colonel Davis commanding in Mysore.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter, dated the 4th instant, from Mysore, enclosing extracts of a Letter addressed to you by the Chief Secretary to Government, and in conformity to your orders have assembled the European officers composing this Garrison, and after submitting the Papers to their consideration, the whole of them have declined signing the pledge, under the apprehension they would be employed to act in a hostile manner against their brother officers. Enclosed is a list of the European officers agreeably to your desire.

I have also assembled the Native officers, and explained to the best of my ability in the manner* prescribed in the instructions; they declare that they will all continue to obey the Orders of Government, and that as they have eat the Company's Salt so long, they will not be persuaded to stray from their allegiance by any body; and that they are ready to act under any officer or officers you may be pleased to place over them; they acknowledge with gratitude the anxiety and care shewn to improve the condition of the Native troops by the Government, and they are resolved to continue faithful.

* Sic Orig.

I have now to express my concern that you should ever suppose I should march from this. I can most solemnly assure you that it never was either mine, or the intention of any one under my command to move from this without your orders.

Was it your wish that I should immediately give the command up to the senior Subadar, or await your further instructions on that head?

(Signed) CHARLES LUCAS, Captain Com. Bednore,

Bednore, 9th August 1809.

LIST of Officers at Bednore, who have refused to sign the Pledge; they being asked from the youngest upwards.

Capt. Lucas, Lieut. Calbery, Ensigns Shepherd, Dixon, Blake, and Rule.
Mr. Assistant Surgeon Anderson.

(Signed) C. LUCAS, Capt. 2d batt. 3d. regiment.

To A. Falconar, Esq. Chief Secretary to Government.

Sir, Fort St. George.

Para. 1. I had not the pleasure to address you yesterday in consequence of every appearance having been made at noon of an intended attack from the Fort upon Mysore.

2. Piquets were detached over the bridge, with guns, to occupy the top of Sultaunpett, and on the S. W. side of the Island guns were planted: at the Chendgal Ford boats prepared, and a few men sent across. A skirmish ensued with the Rajah's troops at the latter place, which ended in the retreat of the enemy, and we were left in quiet during the night.

3. Major M^c Leod of the 59th, with three companies of that Regiment, one hundred men of His Majesty's 80th, and a squadron of the 25th Dragoons, has made all possible arrangement with his own detachment and those of the Rajah, and we can defy every attack which incendiaries dare offer.

4. I have as yet received no positive information regarding the result of the affair of the 11th. The hospitals in the Fort are I hear crowded with Sepoys; and one officer, Lieutenant Best of the 8th, has died there; of the remainder of the European Officers, I am led still to conjecture that the greater proportion were put to the sword, but as I have no communication with the Enemy I cannot report with certainty as to number of casualties.

5. The officers in the Fort are without doubt the sole cause of the late melancholy rencounter, for I am informed by Captain M^c Intosh, that he received a few hours before the engagement, a Letter from them, desiring him "to push on" (their own expression). This Letter did not mention the arrival of the Bangalore force, and he consequently made a forced march, and was prevented from receiving my Letter of the 11th instant, informing him of the arrival of Colonel Gibbs's detachment, and the determination of Colonel Davis and myself not to permit a junction of the Chittledroog and Seringapatam troops.

6. It appears that the Sepoys of the 15th and 8th Native Infantry were deceived by their officers, who led them towards Seringapatam under the idea that that fort had been taken by Poorniah, and was to be re-conquered by them in conjunction with the troops of His Majesty's service. In short the whole system of the malecontent party is fraught with duplicity and evil.

7. By a Letter from Colonel Davis to day I am very much concerned to learn that the praise which Colonel Gibbs has bestowed upon the Native troops of his detachment has been rather misplaced, and that on the contrary great fears are now entertained of their disaffection. Colonel Davis, however, himself will comment upon this subject to Government.

I have the honour to acknowledge the receipt of your Letter of the 10th instant.

I have the honour to be, Sir,
Your most obedient Servant,

(Signed) A. H^r COLE, 1st Assist. in charge.

Mysore, 14th August, 1809.

To Alexander Falconar, Esq. Chief Secretary to Government.

[No. 2. D.]

Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir, Camp near Ragaviah's Choultry, August 13th 1809.

I HAVE not been able to procure any accurate information of the loss sustained by the Chittledroog battalions since my Dispatch of yesterday, but I have reason to believe, from a report which has just reached me, that the Garrison have received an accession in strength to the amount of about five hundred men. The whole of the European officers, with the exception of Captain Mackintosh, were successful in making their escape into the Fort, and I understand that Lieutenant Best of the 1st battalion 8th Regiment expired last night of his wounds.

I calculate that nearly one half of the Force which originally advanced from Chittledroog have been either killed, wounded, or taken prisoners.

2. The Houonrable the Governor in Council will determine what line of conduct shall be eventually pursued towards Captain Mackintosh, who is now wounded, and a prisoner on his parole at Mysore.

3. Since my Dispatch of yesterday, which was written the instant I arrived in Camp, I have had a particular conversation with Lieutenant Colonel Gibbs as to the feeling which in his opinion pervades the Native corps forming a part of this force.

4. I perform a painful, though necessary duty in acquainting the Honourable the Governor in Council, that from the information with which Colonel Gibbs has furnished me I think there exists great reason to question the part which they would take in the event of my being compelled to lead them against any disaffected corps.

5. Colonel Gibbs has reported that when the troops were preparing to advance in support of the Mysore Horse on the 11th, a Jemidar of the 1st battalion of the 3d was deputed by the officers of his corps to inform the Colonel, that they were determined not to fire against the Chittledroog battalions; a report nearly similar in nature has been made to me of the officers of the 5th Cavalry. I do not see any immediate reason to question their allegiance to Government, but it is my duty to inform the Honourable the Governor in Council that I cannot place that degree of confidence in them which is so necessary to ensure any advantage from their service.

6. Enclosed I do myself the honour to transmit copy of a Letter from Captain Lucas of the 3d Regiment commanding at Bidnore, by which the Honourable the Governor in Council will perceive, that though the officers of that station have refused to sign the required Pledge, yet they have done so in a manner the least reprehensible.

7. I have great satisfaction in transmitting with this, copy of a Letter from Captain Purchase of the 25th Native infantry, by which the Honourable the Governor in Council will perceive that the most commendable feelings actuate the mind of Captain Purchase at this unhappy period.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed HENRY DAVIS, Lieut. Col.
commanding Mysore.

To the Assistant Quarter Master General, Mysore.

Sir,

YOUR letter of the 9th instant reached me at a late hour last night, and this morning I tendered the pledge to Lieutenant Vaughan, and required from him a decided answer. I have the satisfaction to report to you that on more mature consideration he has agreed to sign it, and I have now therefore the honour to return the accompanying declaration subscribed by that officer and myself.

When you lay this paper before Lieutenant Colonel Davis you will oblige me by expressing to him how much I am gratified to find that he is pleased with my conduct. His approbation must ever constitute an object of my ambition, and it shall be my endeavour to meet a continuation of his good opinion.

(Signed) HENRY A. PURCHASE,
Capt. Com. Wynaud District.

To Lieutenant Colonel Davis commanding in Mysore.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter, dated the 4th instant, from Mysore, enclosing extracts of a Letter addressed to you by the Chief Secretary to Government. In conformity to your orders I assembled this Garrison, and after submitting the papers to their consideration, the whole of them declined signing the pledge, under the apprehension they would be employed to act in a hostile manner against their brother officers. Enclosed is a list of the European Officers, agreeably to your desire.

I have also assembled the Native Officers, and explained to the best of my ability in the manner prescribed in the instructions; they declare that they will also continue to obey the orders of Government, and that as they have eat the Company's salt so long they will not be persuaded to stray from their allegiance by any body; and that they are ready to serve under any officer or officers you may be pleased to place over them; they acknowledge with gratitude the anxiety and care shewn to improve the condition of the Native troops by the Government; they are resolved to continue faithful.

I have now to express my concern that you should ever suppose I could march from this.

[No. 2. D.] Enclosure, No. 29, in Ger. Letter, Secret Dep. 10th Sept. 1809.

I can moſt ſolemnly aſſure you that it never was mine or the intention of any one under my command to leave this without your orders.

Was it your wiſh that I ſhould immediately give the command up to the ſenior Subadar, or await your further inſtructions on that head?

(Signed) CHARLES LUCAS,
Captain, commanding Bednore.

To Alexander Falconar, Eſquire.

Sir, Camp near Ragaviah Choultry, Auguſt 14th, 1809.

A SHORT time previous to the affair of the 11th, Lieutenant Colonel Gibbs received a Letter from the officers in Garriſon of Seringapatam, ſoliciting a conference, which that officer at the time very properly declined noticing.

2d. Having maturely conſidered the ſtate of affairs in the Garriſon, and being deſirous to prevent the further effuſion of blood, and to avert the many horrid conſequences which I apprehend might enſue from a continuation of our exiſting relations with that garriſon, I determined to avail myſelf of the opening which the officers in Seringapatam had made by their Letter to Colonel Gibbs, for the purpoſe of obtaining an inſight into their real wiſhes and intentions.

3. With this view I yeſterday diſpatched Lieutenant Grove of His Majeſty's 80th regiment, to the Fort, under a flag of truce, and with a Letter, informing the officers that I was willing to acquieſce in the deſire which they had expreſſed for a conference. The enclosed Report will inform the Honourable the Governor in Council of the tranſactions which occurred during that officer's ſtay in the Garriſon.

4. The Letter I found was anſwered by Lieutenant Colonel Bell, who informed me that two officers would be deputed from the Fort to meet any two whom I might depute from camp.

5. In conſequence of this communication Lieutenant Colonels Gibbs and Adams repaired this morning by my deſire to a ſpot within two miles of the camp, they were there met by Lieutenant Colonel Munro and by Captain de Havilland from the Fort; much vague converſation paſſed during the interview, but I do not think it neceſſary to report any thing further than the following declaration made by the officers from Seringapatam: that it was the inflexible determination of Lieutenant Colonel Bell to ſurrender the Fort of Seringapatam on the order of Lord Minto *only*, and that when that Order was received, he would moſt willingly make it over to any one who might be authorized by his Lordſhip to take charge of it; all the officers deny that the flag of truce ſent in by Lieutenant Jefferies was intentionally fired upon, and I am willing for the honour of the Britiſh character to give credit to their aſſertions.

6. The officers from the Fort having required of Lieutenant Colonels Gibbs and Adams, whether a Diſpatch from the Garriſon to Lord Minto would be permitted to paſs through the camp, the Lieutenant Colonels guaranteed its ſafe diſpatch, and I ſhall have the honour to forward it to the Honourable the Governor in Council by to-morrow's poſt.

7. I have alſo the honour to forward a ſtatement, drawn up by an officer belonging to one of the Chittledroog battalions, who is now in the Fort; this ſtatement is very wide of the truth in ſome reſpects, and I think the Honourable the Governor in Council will be of opinion that it contains as candid a confeſſion of rebellion and evil purpoſes as ever was peruſed.

8. A Quarter-Maſter Serjeant of the 15th Native Infantry is now a priſoner in camp; from him I learn that the officers never informed the Sepoys of their real intention in marching towards Seringapatam; they deluded the poor wretches by giving out that the Company were about to war on Poorniah, and that they were advancing for the purpoſe of fighting the Myſore troops.

Captain Mackintoſh's accounts give me reaſon to believe that the officers in the Garriſon of Seringapatam were not more candid to their brethren, for they cautiouſly avoided giving them any intimation of the approach of the Bangalore force, an accurate knowledge of which would moſt probably have prevented the effuſion of the blood which was ſpilt on the 11th.

9. The Honourable the Governor in Council may be aſſured that nothing which my judgment, aided by that of Mr. Cole, could ſuggeſt has been omitted to enſure protection to the intereſts of the Myſore State in theſe times of anarchy and revolt.

10. It is my intention to remain encamped on the ground which I at preſent occupy, until further inſtructions reach me from the Honourable the Governor in Council.

11. The Garriſon fire many times both during the night and day. I cannot ſpeak with any certainty what object this hoſtility is directed to, but I apprehend at the Myſore troops, and at the inhabitants endeavouring to quit the Pettah.

I have the honour to be, Sir,
Your moſt obedient humble Servant,
H. DAVIS, Lieutenant Colonel, Myſore.

To Lieutenant Colonel Davis commanding the Myſore Diviſion, &c.

Sir,

PURSUANT to your Orders I proceeded to the Fort of Seringapatam with a flag of force.

On my arrival at the Bangalore Bridge I ſummoned the Fort to a parley by ſound of trumpet; having waited nearly half an hour, an Officer with a party of armed Sepoys advanced, and inquired

[No. 2. D.]
Enclosure, No. 29, in Gen. Letter, Secret Dep. 10th Sept. 1809.

inquired the reaſon of my ſummons. I demanded protection for the flag of truce, and a perſonal conference with the Commandant at Seringapatam; the officer left me, and requeſted me to wait his return; I continued ſtationary for an hour, when Captain Pearce of the Artillery came forward and defired to know my Orders. I replied "an interview with "the Commandant:" he quitted me and returned in about ten minutes, with Orders for my admiſſion, and to attend me to the Commandant. I then inquired of him if the ſafety of the flag was guaranteed, he anſwered in the affirmative. Having proceeded through the Fort, I arrived at the Town-Major's Office, and underſtood from the officer who conducted me, that the commanding Officer waited to receive me above; being uſhered into the apartment I there perceived Lieutenant Colonel Bell, to whom I delivered my credentials; Captain Cadell, and I believe Major Frieze, were preſent. When I preſented my Letter to Lieutenant Colonel Bell he obſerved that he wiſhed it were in a better cauſe; during the conference with Lieut. Col. Bell he inferred that he had written to you frequently, and that you had never deigned to anſwer him; that he had requeſted you to await the arrival of Lord Minto before you advanced the force; he reprobated the meaſures adopted by Colonel Gibbs, in interrupting the force from Chittledroog on its march towards the Garriſon. I think (he obſerved) that it was a moſt ſhameful maſſacre. He then ſtated that it appeared to him, that the King's troops wiſhed to take the country into their own hands. I replied nearly in theſe words; His Majeſty's troops are loyal ſubjects, and not rebels; I ſaid I thought it was an extraordinary obſervation for him to make. Shortly after Lieutenant Colonel Munro, Majors Macdowall and Kenny, as alſo Captain de Haviland, entered the office; Lieutenant Colonel Munro and Major Kenny ſpoke reſpecting the action that had taken place; Major Kenny was very violent, and appeared by his manner to treat the force contemptuouſly; and dwelt on the enormity of the conduct purſued by thoſe troops. Lieutenant Colonel Munro ſaid thoſe officers who had ſeceded, could never look their brothers in the face again; and that it was far more honourable to die at the head of their corps. Captain De Havilland ſaid, had he ſigned the paper, he would have been obliged by you, to have advanced againſt the Fort. He ſaid it was a circumſtance his feelings would never permit. He ſpoke of the action as a cruel act. Captains Aiſkell and Edwards, with Lieutenants Walker and Patters, all now entered; I fancy by order of Lieutenant Colonel Munro: Captains Aiſkell and Edwards were violent; Captain Edwards moſt particularly ſo; they obſerved had not His Majeſty's 25th Dragoons arrived there would not have been an effuſion of blood, as they were capable of reſiſting the Dewan's Cavalry; they ſay their men were not ſo completely cut up as was ſuppoſed; and that they were ſtill able to revenge themſelves, or words to that import; from Lieutenant Walker I gained moſt information, as he addreſſed me in a cool deliberate manner, which did him infinite credit. I aſked him relative to the violation of the flag of truce borne by Lieutenant Jefferies of His Majeſty's 25th Dragoons; on the point of his ſword Lieutenant Walker ſaid he came forward to meet the officer bearing the flag, with an handkerchief in his own hand, as a token of peace; but ſays, that officer galloped off immediately. The Dewan's Horſe cut into their lines. They appeared much ſurpriſed when I mentioned the circumſtance of Lieutenant Jefferies being wounded. They declared that they never fired at His Majeſty's troops, and all agree that they did not fire firſt. Lieutenant Patterſhall was particularly queſtioned by Lieutenant Colonel Munro, relative to the circumſtances that had taken place; he ſtated that an Order had been given by Captain Mackintoſh, who commanded, not to fire at the Europeans, but only to defend themſelves againſt the Dewan's Cavalry; that the inſtant the Dragoons appeared the men threw down their arms, and ran to them for protection, conceiving they were their friends. Lieutenant Colonel Munro ſaid, he had written to the corps, ſaying he believed His Majeſty's force would not fire againſt them. I then ſaid if you thought the force were friendly inclined towards you, why did you not, when Ram Row requeſted you would wait till Colonel Gibbs came up: they replied that they feared treachery from the Dewan's people. To my utter aſtoniſhment and ſurpriſe Captain Bailey of His Majeſty's 12th regiment was ſent for to confront me relative to what he had ſeen from the top of his houſe; he ſaid he ſaw the Dragoons charge and cut up the two battalions, and he thought it cruel, or ſomething to that effect; it really grieved and pained me extremely to ſee an officer of His Majeſty's ſervice come forward on ſuch an occaſion, as it appeared he approved of the meaſures adopted by the Garriſon. I perceived Captain Sale of His Majeſty's 12th ſtanding at the gate of his houſe. I obſerved to Captain De Haviland that it was very extraordinary thoſe officers remained in the Garriſon; he ſays they had, or might receive permiſſion to depart, but thought they might have permiſſion from Colonel Paton to remain where they were. The trumpeter who accompanied me reported that an officer of Artillery had aſſailed him with abuſe, and that he made uſe of theſe words, you may tell your Officers and men from me, we will be revenged on them one of theſe days; from the deſcription the man gave me of his perſon I conjecture that it was Enſign Clemons doing duty with the Artillery; perſonally I was treated with great attention and reſpect, but numerous were the bitter invectives thrown out again His Majeſty's ſervice, and the troops under Lieutenant Colonel Gibbs. There appeared to me to be no controul, as every one was allowed to give his opinion; ſome ſpoke ſo vociferouſly that I am unable to give an accurate account of all that had paſſed. My hearing was rendered void by a clamour of revilings and complaints, and my feelings greatly hurt at the indignities and inſinuations thrown out againſt His Majeſty's ſervice.

Camp near Ragaviah's Choultry, 14th Auguſt, 1809.

(Signed) H. J. GREAVES, Lieutenant, His Majeſty's 8th Regiment.

We, the officers of the 1ſt 8th, and 1ſt 15th, having heard that a groſs miſrepreſentation of the affair of the 11th has been circulated, conceive it proper to make a full ſtatement of facts.

[No. 2. D.]
Enclosure, No 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

On our march from Chittledroog to this place we fell in with a large body of Poorniah's Horse, who said they had orders to prevent our further progress, but as our determination was fixed to reach this place, we told them plainly and clearly what the consequences would be if they attempted to stop us; they assured us in return that they did not wish to have recourse to hostile measures, their actions too showed evidently they did not, although they certainly remained near us constantly. On the morning of the 3d day, after first falling in with them, and within sight of Seringapatam, just as the corps had passed a little village beyond the Pench rocks, they cut in upon our baggage, and wounded some people, without the smallest provocation on our side; upon which we instantly prepared for our own defence, and to get into Seringapatam as soon as possible; from this time till within a mile or two of the above place, we were constantly fired upon by the horsemen, which of course was returned. We had now every favourable prospect of reaching Seringapatam without much loss (excepting the baggage,) when the 25th dragoons shewed themselves on the rising ground; immediately some of these officers were seen to join a large body of horse in our left, and after a short conference, galloped off to their own Regiment, when the horse and dragoons immediately poured down on our rear. Very shortly before this Lieutenant Walker held out a white flag, and approached an officer of dragoons, who seemed to come forward to meet him, but without any flag that we could see; however, before they could come together, the dragoon officer made off and joined the party of the enemy in the rear, consisting of Poorniah's horse and the 25th dragoons; when they instantly commenced cutting up our men, who were by this time completely exhausted with fatigue, although they still kept up a light fire on the horse; the dragoons were never fired upon until they joined the horse, and were in the act of hostility.

(Signed) CHARLES A. WALKER,
Lieutenant 1st battalion 8th regiment N. I.

(True Copies.)

A. FALCONAR,
Chief Secretary to Government.

Seringapatam, 4th August 1809.

Enclosure, No. 30.

To Lieutenant Colonel Barclay, Military Secretary to the honourable the Governor, &c. &c. &c.

Sir, Fort St. George.

I HAVE the honour to acknowledge the receipt of your Letter of the 26th instant, written by the command of the honourable the President in Council, with its several enclosures, and I observe, with deep concern, that Colonel Malcolm, who had applied for and obtained my concurrence to his immediate departure for the Presidency, had not arrived previously to the dispatch of those instructions, as I conceive much may depend on the report of that officer, who, I must presume, had been expressly charged to ascertain the extent of the unhappy state of insubordination that prevailed in this Garrison, the duties of which, since the absence of Colonel Malcolm, have been conducted with the utmost regularity, but this, from the information I have received, is to be ascribed only to the expectations which have been formed, that the result of his communications may avert any rigorous measures that may be in the contemplation of Government to effect the restoration of public order.

From the intelligence that I have collected since the departure of Colonel Malcolm, I am most earnestly grieved to state that it is my conscientious opinion that measures of resistance have been organized, and the first intimation that every means have been concerted to weaken or dissolve the combination it may be expected will now produce an immediate and utmost* affecting commotion. I must necessarily be guided by this consideration in the latitude that it has pleased the honourable the Governor in Council to confide to my discretion; if, however I find it possible to carry into effect, without creating alarm, the object of Government, I shall not fail to do so. But what renders this circumspection peculiarly necessary at this moment, and in this place, is the quantity of public treasure that is deposited in the Fort, which, from a communication with the Collector, I find amounts to about nine lacs of rupees, exclusively of the cash in the military pay-chest.

* Sic Orig.

This I cannot suppose is altogether out of the views of the Garrison, and I should think has been already an object of deliberation; the risk, therefore, would be too great of giving publicity at present to my instructions, and I hope, under these circumstances, it will meet the approbation of the Governor in Council that I suspend the communications that I am required to make to the officers, until I can discover with certainty, who are in a state of obedience or in opposition to the authority of Government, to effect which I shall unremittingly apply my utmost efforts.

With regard to the opening of the Tappall packets I shall immediately consult with the Collector, and shall pay due attention to the wishes of the honourable the Governor in Council appertaining to such of every description.

I have the honour to be, &c.

Masulipatam, 1st August 1809. (Signed) J. PATER,
Commanding the Northern Division of the Army.

To the Chief Secretary to Government.

Sir, Trichinopoly, 31st July 1809.

I HAVE the honour to acknowledge the receipt of your Letter of the 26th instant, respecting the opening all public Tappals, and also private Tappals conveyed by private Hircarrahs,

[No. 2. D.]
Enclosure, No. 30, to Gen. Letter, Secret Dep. 10th Sept. 1809.

Hircarrahs, or Meſſengers, and to open any ſuſpicious Letters, &c. &c. &c. As the malcontents muſt be now on their guard, I beg leave to ſuggeſt, if it will not be eligible to give orders to all Collectors to direct the people of their different Cuſtom-houſes in the country to examine all Travellers that may paſs, and lay hold of any Letters they may have.

I have the honour to be, &c.

(Signed) W. WILKINSON,
Colonel commanding Southern Diviſion.

Bellary, 2d Auguſt 1809.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

THE arrangements that it was neceſſary to make with the officer commanding His Majeſty's 34th Regiment, with other local circumſtances, cauſed an unavoidable delay in the execution of the inſtructions communicated in your Letter of the 26th ultimo. I have now, however, the honour to report for the information of the honourable the Governor in Council the proceedings adopted on that occaſion.

The whole of the officers of the Company's ſervice at this ſtation were aſſembled; and the Orders of Government being read to them, the preſent criminal proceedings of the officers of the Army were moſt forcibly and impreſſively brought to their view, ſtrengthened by every argument that the arduous criſis of the preſent period could dictate. The declaration of their ſentiments was then tendered for their ſubſcription. They ſolicited a ſhort conſideration, which indulgence was granted; when, ſoon after, they produced the paper, marked No. 1, accompanying the Diſpatch. This being foreign to the ſubject, as well as being a refuſal, and in a manner not admiſſible, the order for immediately ſuſpending their military functions was proclaimed; and officers of His Majeſty's and the Company's ſervice appointed to take charge of the Artillery, 2d battalion 7th Regiment, and 1ſt battalion 9th Regiment, as will be ſeen by the accompanying copy of Daily Orders, marked No. 2. The officers of theſe three corps will make a move out of Bellary immediately, and will proceed to a ſituation, diſtant twenty miles, appointed for their preſent reſidence, until further inſtructions are received regarding them.

The Native officers are now aſſembling, and there is no doubt every thing will go on regularly and quietly.

The deportment and conduct of all the European officers on this painful occaſion were marked with the utmoſt reſpect.

The Paper marked No. 3, is the declaration of allegiance, bearing the ſignatures of the officers of the Staff, but that of the Aſſiſtant Adjutant General and the Aſſiſtant Quarter Maſter General, not being given in an unqualified manner, I have alſo ſuſpended their functions, and appointed officers to fill their ſituation.

I muſt however beg to ſtate for the conſideration of Government, that neither Captain Campbell, the Aſſiſtant Adjutant General, or Captain John Campbell, the Deputy Judge Advocate, have ever been in any way connected or concerned in any part of the preſent proceedings of the officers of the Army, nor will their ſignatures be found to any Memorial or Paper that has been in circulation, and that their principles I can firmly ſtate to be faithful and zealous in ſupport of the Government.

I have now the ſatisfaction to report, that all the Native officers in Garriſon have been aſſembled; that every circumſtance that was neceſſary for them to know relating to their officers was carefully explained, together with the duty and allegiance which they owe to the State; they moſt cheerfully and unanimouſly declared their implicit obedience, and offered voluntarily the moſt ſacred ties of every obligation that can be procured by oath, to give their ſupport to Government under the European officers appointed to their charge, or any other that might by authority be placed over them, I may therefore now report that the Orders of Government have at this ſtation been carried into full effect, and every thing proceeds in the moſt regular and quiet manner.

I have the honour to be, &c.

(Signed) ROBERT CROKER, M. G. commanding.

P. S. The Paper No. 4, is a ſolicitation from Major Keaſbury, to remain at Bellary for the preſent, which, under the promiſe ſtated by him, has been complied with.

(Signed) ROBERT CROKER, M. G. commanding.

(No. 1.)—WE the underſigned officers, having maturely conſidered and deliberated on the declaration tendered to us this day by Major General Croker, commanding, beg reſpectfully to ſtate, that having in conjunction with our brother officers of the Coaſt Army, pledged our honour to ſupport them in their repeated reſpectful applications to Government to obtain redreſs of grievances, we cannot, till a redreſs of theſe grievances, ſign a Paper tending to detach us from the general cauſe.

We conceive it a duty we owe ourſelves, and a reſpect to the honourable profeſſion we have embraced, to declare that we have in every inſtance evinced a mark of attachment to our honourable Employers, our King, and our Country.

(Signed) 2d bat. Artillery—G. J. Graham, Captain Lieutenant.
2d bat. 7th Regiment, N. I.—G. W. Shaw Skipp, Enſign; R. Morriſon, Enſign; J. F. Wright, Major; G. Jackſon, Captain Lieutenant; D. Ruſſel, Lieutenant; E. J. Fitzpatrick, Lieutenant; J. L. Beerman, Lieutenant; W. Hardy, Lieutenant; J. Smith, Lieutenant; H. A. Bell, Lieutenant; H. White, Enſign; W. Benney, Enſign; J. Jeelk, Enſign; J. Scott, Enſign; Geo. Bruce, Aſſiſtant Surgeon; J. B. Keaſberry, Major.

No. 2. D]
Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

1ſt bat. 9th Regiment, N. I.—J. H. Smith, Captain; W. Griffenhoof, Lieutenant and Adjutant; E. Barteer, Lieutenant; H. Maſſey, Lieutenant; C. D. Stanby, Lieutenant; J. Henholme, Lieutenant; Geo. Field Lieutenant; W. Preſton: A. M'Caſkill, Aſſiſtant Surgeon; C. Bagot; A. Anderſon.

(A. true Copy.)
(Signed) CHARLES CROKER. Aid-de-Camp.

(No. 2.) Head Quarters, Diviſion Bellary, Auguſt 2d 1809.

Diviſion Orders.

UNDER the Orders of the honourable the Governor in Council, the under-mentioned officers of the Company Service at Bellary are ſuſpended from all Military functions, and removed from the exerciſe of duty on receipt of their ordinary allowances, and are not accordingly to be obeyed, and will be prepared to move from Bellary immediately, agreeably to inſtructions that will be communicated to them.

Artillery—G. J. Gorcham, Captain; R. Morriſon, Enſign; G. W. S. Skipp.
2d bat. 7th Regiment.—J. F. Wright, Major; G. Jackſon, Captain Lieutenant; D. Ruſſel, Lieutenant; E. S. Fitzpatrick, Lieutenant; F. S. Burman, Lieutenant; W. Hardy, Lieutenant; J. Smith, Lieutenant; H. A. Bell, Lieutenant; W. White, Enſign; W. Benny, Enſign; J. Julk, Enſign; J. Scott, Enſign; Mr. Aſſiſtant Surgeon Bruce.
1ſt bat. 9th Regiment.—J. P. Keaſberry, Major; J. H. Smith, Captain; Griffenhoofe, Lieutenant; E. Bertier, Lieutenant; H. Maſſey, Lieutenant; C. D. Stanby, Lieutenant; J. Heaholme, Lieutenant; A. Anderſon, Lieutenant; G. Field, Lieutenant; W. Preſton, Enſign; C. Bagot, Enſign; Mr. Aſſiſtant Surgeon M'Caſkill.

The following officers are appointed to take charge of, and do duty with, the detachments of Artillery, 2d battalion 7th, and 1ſt battalion 9th Regiment.

Artillery—Captain Fotheringham of Engineers.
His Majeſty's 34th Regiment—Lieutenant Laſcelles.
2d battalion 7th Regiment—Captain Roberts.
Lieutenant Dayly to act as Adjutant.
1ſt battalion 9th Regiment—Captain Campbell of His Majeſty's 34th Regiment to do duty under Lieutenant Colonel Sir David Ogilby, Lieutenant Torrens of Engineers.
Lieutenant Roſs of His Majeſty's 34th Regiment to act as Adjutant.
Lieutenant and Adjutant Carnegie will take charge of and conduct the duties of Fort-Adjutant of Bellary.

The following ſtaff officers having declined to give an unqualified ſignature to a paper ſubmitted to them for that purpoſe, are ſuſpended from all Military functions:

Captain Stewart, A. Q. M. G.—W. C. Campbell, D. A.

Lieutenant M'Aliſter, of His Majeſty's 34th Regiment, will take charge of the office of the Aſſiſtant Adjutant General, and Lieutenant Croker, of His Majeſty's 89th Regiment, will take charge of the office of Aſſiſtant Quarter Maſter General.

Lieutenant Loyon, of His Majeſty's 34th Regiment, will take charge of the office of Deputy Judge Advocate.

Mr. Surgeon Peyton, will take medical charge of the 2d battalion 7th, and 1ſt battalion 9th Regiment.

The General Court-Martial is countermanded.

(Signed) CHARLES CROKER,
Aid-de-Camp.

(No. 3.)—WE the underſigned officers of the honourable Company's ſervice, do in the moſt ſolemn manner declare upon our word of honour, as Britiſh officers, that we will obey the orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commiſſions which we hold from that Government.

(Signed) J. DUNCAN,
Superintending Surgeon.
W. PEYTON,
Garriſon Surgeon.

I ſign the above to ſhew that I am conſcientiouſly of opinion that the ſupport of Government in this country is neceſſary to the general welfare of the empire; in every other ſenſe it is from me a fruitleſs declaration, I having already, in a Letter to the Commander in Chief diſpatched ſeveral days ago, ſtated my entire inability (owing to ſickneſs, proceeding from a long-declining ſtate of health, and recent ſevere mental affliction,) any longer to conduct the duties of a ſtation of ſo much reſponſibility, with my wiſh to retire from the ſervice agreeably to the regulations.

(Signed) D. OGILBY,
Lieut. Col. comm. 1ſt battalion 9th Regiment N. I. next ſenior officer of Bellary.
R. H. FOTHERINGHAM,
Captain Lieutenant Engineer.
H. H. TORIANO,
Lieutenant Engineer.

We

[No. 2. D.]

Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

We subscribe to the above declaration, provided we are not required to act in arms against our brother officers who may incur the displeasure of Government.

(Signed) J. CAMPBELL, D. I. A. C.
W. C. CAMPBELL, A. A. G. C. D.

As I never can separate my obedience to the Government from my allegiance to the Sovereign and Country, I can have no hesitation in pledging that obedience to the orders, and my support to the authority, of the honourable the Governor in Council of Fort St. George, or otherwise I should never have so long retained a place of trust under that Government. If however, it is expected or required by this obligation, that I am to act professionally in arms against my brother officers of this Army, I must with great submission beg leave, with the relinquishment of my staff-situation, to resign the Commission which I have the honour to hold in the military service of the honourable Company, and beg to be permitted to return to England.

(Signed) J. STEWART, A. Q. M. G. C. D.

(A true Copy.)
(Signed) CHARLES CROKER,
Aid-de-Camp.

(No. 4.)—Major General Robert Croker commanding, &c. &c. &c.

Sir,

In consequence of the Division orders of this date, suspending me from the execution of my Military functions, and obliging me to quit Bellary, I take the liberty to state to you, that an immediate removal from hence would be attended with serious and even dangerous consequences to my wife and child, whom I should of course be desirous to take with me. Should you therefore be pleased, Sir, to permit my remaining until it be the opinion of a medical man, that my family may accompany me without risk of injuring their health, I pledge my honour to you that I will abstain from all intercourse with the Native troops, and I shall continue to act agreeably to your wishes, and conformably to the situation I am now placed in.

I have the honour to be, &c.
(Signed) J. P. KEASBERRY,
Major.

Bellary, 2d August 1809.

To A. Falconar, Esq. &c. &c. &c.

Sir,

I am much concerned that in compliance with the Orders of Government I have been obliged to remove Captain Stewart, the Assistant Quarter Master General, a most zealous and attentive officer, and to whom I am under the greatest obligations for his voluntary assistance and support since my arrival at Bellary; and as I can place the greatest confidence in that officer's integrity and attachment to the Government, I take the liberty of recommending him to the notice of the Honourable the Governor in Council.

Bellary, 2d August 1809. (Signed) ROBERT CROKER, M. G.

To the Honourable Sir G. H. Barlow, Bart. K. B. Governor in Council, &c. &c. &c.

Honourable Sir, Fort St. George.

I have the honour to transmit to you a Copy of a Letter to me from Lieutenant Colonel Doveton, dated the 24th instant, and enclosing a copy of a Letter addressed to him by the officers commanding corps and detachments at Jaulnah.

I have the honour to be, &c. &c.

Hydrabad, 29th July 1809. (Signed) T. SYDENHAM, Resident.

To Captain Thomas Sydenham, Resident at Hydrabad.

Sir,

I have the honour to acknowledge the receipt of your Dispatch under date 26th July, and which, having lost no time in communicating to commanding officers of corps and detachments, I have now the pleasure to forward a copy of their reply to me in consequence.

I likewise transmit for your information a Letter which I yesterday received from Jeswunt Row Holkar, with a copy of my reply, and have the honour to be, Sir,

Your most obedient Servant,

Jaulna, 24th July 1809. (Signed) J. DOVETON,
Lieutenant Colonel commanding in Berar.

To Lieutenant Colonel Doveton commanding in Berar.

Sir,

We have the honour to inform you that the Letters from the Resident at Hydrabad, and Lieutenant Colonel Montresor, have been submitted, as you requested, to the officers of our respective corps, who have desired us to acquaint you that circumstances have since occurred which render the address to the Right honourable the Governor in Council *now* useless; we have therefore to request that it may be withdrawn; at the same time the officers of our

[No. 2. D.]

Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

respective corps request you will have the goodness to convey to Colonel Montresor their thanks for the candid manner in which he has acted.

We have the honour to be, Sir,
Your most obedient Servants,

Jaulna, 23d July 1809 (Signed)
M. STEWART, Major 2d battalion 11th Regiment.
T. POLLOCK, Captain 1st battalion 12th Regiment.
W. LUSHINGTON, Captain 4th Regiment Cavalry.
G. M. GIBSON, Captain 1st battalion 10th Regiment.
C. HOPKINSON, Captain, &c. Artillery.
G. H. PIGNANT, Captain Lieutenant, H. Artillery.
A. M'LEOD. Captain 8th Regiment Cavalry.

(A true Copy.)

(Signed) J. DOVETON, Lieutenant Colonel.

To the Chief Secretary to Government.

Sir, Trinchinopoly, 3d August 1809.

I HAVE the honour to forward to you herewith for the information of the Honourable the Governor, three* intercepted Letters that I have received this day, with a Letter from Lieutenant Cunninghaim, stating his reasons for wishing to retire from the service. As I have stated to the Honourable Lieutenant Colonel Stewart and Colonel Forbes, that should they want assistance I have a considerable force ready to move to any point to crush sedition or rebellion, I wish to know if any application is made to me from either of those officers for assistance if Government will approve of my making any movement, with their sanction.

The 6th Native Cavalry is unfit to take the field for want of officers; and it will be for the good of the service that not one Company's officer should be sent to it, as I am convinced that many of them who have signed the paper would fail if brought against their brother officers, for such they still call those deluded men who are in open rebellion against their country.

I have the honour to be, &c.
(Signed) W. WILKINSON, commanding the S. Division.

* These Letters will be found in the separate number, containing the whole of the intercepted correspondence.

To Colonel Wilkinson, commanding Southern Division of the Army.

Sir,

I HAVE the honour to forward to you for transmission to the Honourable the Governor in Council of Fort-St. George, my resignation of my commission of Lieutenant in the service of the Honourable East India Company.

It is unnecessary for me to enter into the detail of the circumstances which induce me to give up my commission further than to assure you in the most solemn manner that while the duty, obedience, and respect which I owe and feel for the Government of Fort-St. George, preclude opposition, or participation of opposition, of such measures resorted to at the present moment, I cannot on the other hand draw my sword against such proportion of my brother officers as my services under present circumstances may be eventually called against.

It is true, Sir, I might have delayed my present resignation until called upon to act in the manner I apprehend; but I cannot reconcile it to my sentiments of propriety to deceive you by leading you to form a false calculation of the effective officers under your command when my resolution is already formed.

I entreat your permission to join my wife and family at Tinnevelly, from whence I shall proceed direct to Madras, to place myself under charge of the Town-Major agreeably to the regulation for officers in my situation.

I beg leave, Sir, to return you my most heartfelt thanks for the indulgences and confidence you have honoured me with while under your command. And as your permitting me to proceed to join my family in Tinnevelly is matter of much indulgence, it becomes necessary for me, to assure you, which I now do on my honour, that I will not at any time or at any place, until my arrival at the Presidency, even permit the present politics of this establishment to be the subject of my conversation, far less in any way to interfere, by any act, to the prejudice of the present Government.

I have the honour to be, &c.
Trichinopoly, 1st July 1809. (Signed) CHARLES CUNNINGHAM.
Lieutenant and Judge Advocate, Southern Division.

(Confidential.) To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I have the painful duty to report to you for the information of Sir George Barlow that I received intelligence last night of the officers at this station having dispatched Letters in the course of the day to Colonel Close, stating to him that they would not submit to any order of his as commanding the Subsidiary force, without he first made a declaration of his sentiments; that they would send out a deputation to meet him, and that it would depend on their report whether or not he was received. In consequence of this intelligence I assembled the commanding officers of corps this morning, and reprobated their conduct in strong terms; I used every argument to dissuade them from it in vain, till at last I told them it was such that I would immediately resign the command of the force as destitute of influence and authority, and that I would leave them to disorder and confusion if they did not recall their Letter to Colonel Close, and promise to receive him with the respect that was due to

his

his rank, talents, and perſonal character. I am happy in having to ſay that my remonſtrance had the deſired effect, and the officers left me promiſing faithfully to comply with my deſire. I ſhall not enter into further particulars of what paſſed, but only ſay, I acted that part which my conſcience and duty dictated, and which I deemed moſt likely to ſupport the authority of Government. [No. 2. D.] Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I encloſe for Sir George Barlow's information the copy of a paper which I underſtand was received yeſterday from Seringapatam, and circulated in this force.

I have the honour to be, &c. &c.

Secunderabad, 30th July 1809. (Signed) G. T. MONTRESOR.

To the Officers of the Hydrabad Force.

THERE is now more occaſion than ever to be upon your guard, Heads of diviſions here have declared to heads of corps that it is intention of Government to *evince the anſwer from heads of corps has been moſt ſpirited, this you may rely upon. * *Quere.*

We cannot reconcile the aſſertions of Colonel Malcolm, as contained in a Letter of date the 9th, received here from Maſulipatam, with meaſures Government have taken ſince his report muſt have been received at Madras. That in the aſſembly of troops at the Mount we are aſſured that the plan of bribing has already commenced amongſt the Native Troops. This ought more and more to determine us; and Sir G. and his adviſers ought to be declared enemies and traitors to their country.

All this diviſion are ready to act.

Seringapatam, 21ſt July 1809.

Officers of the Hydrabad Force.

EVERY thing appears more myſterious daily. The 89th from Ceylon, and 56th from Bombay, are expected daily at Madras. The Royals are ordered to hold themſelves in readineſs to leave Madras. It is well known they would not act againſt us, except Tiger Conran.

The King's and Company's officers at Muttra have not only agreed to ſupport us, but entered into a large ſubſcription for our ſuſpended officers. Commanding officers of diviſions make no ſecret that Government are determined to *perſevere*. Commanding officers of corps have given them a moſt ſpirited anſwer; a frigate arrived at Madras with Diſpatches. Col. Hare ſays he will cut up the *Black* Mutineers; 500 pagodas monthly allowed him as table-money.

Seringapatam, 22d July.

(Private.)

To Lieutenant Colonel Barclay, Military Secretary to the Honourable the Governor.

Sir, Bellary, 3d Auguſt 1809.

I HAVE the honour to acknowledge the receipt of your Diſpatch, dated the 29th ultimo, received by expreſs, tranſmitting copy of Letter of the ſame date to Captain Thomas Sydenham, the Reſident at Hydrabad.

My Letter of yeſterday, addreſſed to the Chief Secretary to Government, will have informed the Honourable the Governor that the inſtructions of Government, dated the 26th ultimo have at this ſtation, been carried into full effect.

The European officers of the corps have all moved away; their departure excited no kind of ſtir, and duty proceeds in the quieteſt and moſt orderly manner; the Native Officers were equally unanimous with thoſe that are at the Mount and Madras, and if poſſible more ſtrong in their aſſurances of attachment and reſolution to ſupport the Government and its authority.

The European officers reſigned their Military functions with dignity and reſpect; were more prompt in their unprepared ſtate than I could have expected; and in every thing (as far as the unfortunate circumſtances will admit the expreſſion) conducted themſelves obediently, and certainly with reſpect.

The aſſurance which I have received on this occaſion it is but candour to acknowledge; and my duty to ſpeak of every man as his zeal and exertions merit. Lieutenant-Colonel Sir David Ogilby never having joined, or, I believe, taken any part in the preſent proceedings of the officers of the Army, was alone the only field officer of the Company's ſervice in whom I could confide, and from whoſe information (being in the perſonal command of one of the corps), experience, and counſel, I confeſs I fully expected to derive that aid which his attachment to the Government, high rank, and his ſtation as my ſecond in command, ought to have afforded.

Sir David, it is true, is unwell, and has lately ſuffered a domeſtic misfortune; but neither I conceive to be any juſt reaſon (at leaſt in this inſtance) which ſhould have prevented the more active exertions of his influence and ſervices, at a moment moſt arduous, when a very important object was to be ſecured, demanding the ſtrenuous exertions of all men, and thoſe he knew were few in this cauſe who were capable or inclined to give me that ſupport.

I had frequent occaſion to conſult with Major Everand, the officer commanding His Majeſty's 34th Regiment, and found his exertions moſt zealous, his ſuggeſtions always to the purpoſe, and I am moſt thankful for his attention and prompt attendance when often called on.

[No. 2. D.] Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have sent orders to Gooty for carrying into effect the instructions of Government, and in order to save time I have directed Lieutenant Colonel Bowness to report his proceedings direct to the Chief Secretary of Government, and to communicate with you for the information of Sir George Barlow.

With respect to Cumbum, I have not officers sufficient, either of the Company's or His Majesty's service, to post to the corps there, should they be required to replace those now with the 1st battalion 22d Regiment; and until I am prepared to provide for that event (if necessary) it will be needless to demand the required pledge of the officers at that station.

I herewith transmit a copy of the list of the officers at Bellary suspended all military functions, together with copy of the declaration, and the tendered signatures annexed.

I have the honour to be, &c.

(Signed) ROBERT CROKER, M. G. commanding.

My dear Sir, Poonah, 27th July 1809.

Last night I was favoured with your Packet, containing a memorandum respecting occurrences at Masulipatam and Hydrabad since 26th June, and nearly at the same time I received accounts from Hydrabad of Colonel Malcolm's intention to visit the Presidency, and of the late proceeding adopted by the Company's officers at Hydrabad, in addressing a Letter to Lieutenant Colonel Montresor, containing proposals for an accommodation between them and Government, which proposals were accordingly forwarded by the Colonel to be submitted to Sir George Barlow.

Affairs here seem to continue in their usual state; at Serroor a few of the officers of the Bombay Establishment correspond secretly with those of the Coast, of the Jaulna, and Hydrabad. Their Letters, it is said, are sometimes anonymous, at other times signed as by a Committee on behalf of the Bombay Army; but there is not cause to believe that any general combination exists amongst the Bombay officers, or that any Committee has been authorized to act in their behalf. Reports however prevail at Hydrabad to a contrary effect.

From one of the Numbers you have furnished me with, I perceive that Government has resolved to assemble a respectable force, as well to protect the Presidency as to afford a countenance to its proceedings. Affairs at Hydrabad, however, seem to have hastened to a crisis, and the result of the recent extraordinary steps there will be waited for with anxious solicitude.

I formerly mentioned the arrangement I had made for reaching Hydrabad with all possible expedition. The boys must be at or near the different stages by to-morrow night, when I shall start.

I have the honour to be, &c. &c.

(Signed) By CLOSE, Colonel.

P. S. This moment I have received your Packet of the 18th instant, containing the several Papers relative to the removal of Lieutenant General Macdowall from the command of the Army.

To Major Robert Barclay, Military Secretary. (Signed) B. C.

To Lieutenant Colonel Barclay, Military Secretary to the Honourable the Governor, &c. &c. &c.

Sir,

I Have the honour to acknowledge the receipt of your communication, with, also, accompanying it, a copy of an Address from the officers of the Hydrabad Subsidiary Force to Lieutenant Colonel Montresor, the officer in command of that station; and for the information of the Honourable the Governor I beg leave to state, that I yesterday morning sent for some of the senior officers belonging to and on duty at this place, who I conceived possessed some influence in the Garrison; and stated to them, by the most forcible language I could command, the danger of their situation, the error of the much to be lamented step they had resorted to; and pressingly offered my recommendation that they would interest themselves with their brother officers to return to obedience and their duty, and to confide on the clemency of Government; and I should be happy to join my entreaties on the occasion; As the case regarding them now stands, bound by ties of engagement abroad, and promises of union among themselves, I greatly fear nothing can be expected by any efforts of persuasion, and no other means I have now at my command to bring them back to obedience. Of the magnitude of their dereliction from public duty, and the peril in consequence of their situation, they are well aware. Every breath of rumour and unusual occurrence, however trivial, agitate their minds, and stimulate their actions to precaution, and would even to resistance, if deemed by them any way expedient. No Tappaul having come for two days, nor any information which they so anxiously expected having arrived from Colonel Malcolm, I learn that their agitations are greatly increased, which is manifested by a communication I received this afternoon from Captain Morehouse of the Artillery company, purporting that an intimation had been given him by the Garrison that he must quit this station. Upon receiving this report from Captain Morehouse I gave him to understand that I could acknowledge no other authority but that of Government; and a short time after I received from him the enclosed note; and having duly considered all the circumstances of the case, I judged it advisable to permit him to retire, under a limitation that the distance should be short, and that he would at any moment be prepared to return at a moment's warning; every effort, however, under the present circumstances, such as I possess, shall be employed by me for the best.

I have the honour to be, &c.

Masulipatam, 2d August 1809.

(Signed) J. PATER, Major Gen. com. the N. D. of the Army.

[No. 2. D.]

To Major General Pater, commanding the Northern Diviſion of the Army.

Sir,

UNDER certain circumſtances which I communicated to you this morning, and as I find the company of Artillery under my command perfectly inadequate to afford any aſſiſtance to Government in this Garriſon, I requeſt you will grant me permiſſion to withdraw from the Garriſon for a ſhort time, as my remaining here will certainly be the cauſe of much violence and bloodſhed.

(Signed) J. MOOREHOUSE,
Maſulipatam, 2 Auguſt 1809. Captain Lieutenant Ay.

Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieut. Col. Barclay, Military Secretary to the honourable the Governor, &c. &c. &c.

Sir,

FOR the information of the honourable the Governor in Council I am concerned to ſtate, that I have juſt been apprized of a Garriſon order, of which the encloſure is a copy, publiſhed in this day's orders. My former communications to you will have prepared Government for ſimilar events; and I lament that the like happening was beyond all power of human effort, ſuch as I poſſeſſed, to avert.

Situated as I am, I ſhall ſtudiouſly adopt every expedient I can to ſoften the conſequences of that diſobedience which I find is beyond my power to ſubdue; and with this view have loſt no time in addreſſing a Letter upon this painful ſubject to the ſenior officer of the troops in Maſulipatam. What the plans are which the Garriſon means to purſue, I am ignorant of; but ſhall communicate to you, from time to time, every reſolution and act of theirs which may come to my knowledge.

I have the honour to be, &c.

Maſulipatam, (Signed) J. PATER,
3d Auguſt 1809. Major General commanding the N. D. of the Army.

Extract from the Garriſon Orderly-Book of Maſulipatam, dated Thurſday, 3d Auguſt 1809.

"THE detachment of Artillery, the Madras European Regiment, and the 1ſt battalion "19th Regiment Native Infantry, will hold themſelves in readineſs for immediate field-"ſervice.

"The neceſſary indents for Camp Equipage, &c. &c. &c. to be ſent into the Acting "Commiſſary of Stores with as little delay as poſſible."

(A true Extract.)

Maſulipatam, (Signed) Hy BOWLER, A. D. C. to General Pater.
3d Auguſt 1809.

To the Chief Secretary to Government.

Sir, Trichinopoly, 2d Auguſt 1809.

I HAVE the honour to communicate, for the information of the honourable the Governor, that the 6th Native Cavalry has now only one officer of the regiment remaining with it, and that is Major Nuthall, who has declared himſelf unable to take the field; there are two officers of the 12th, and two of the 30th attached to it, and are very uſeful in Garriſon, but will be of little uſe in the field. I would therefore wiſh very much to have ſome good Cavalry officers ſent, as ſoon as poſſible, to join the 6th. The 13th Regiment Native Infantry is much in want of officers, having only Captain Frith and the Adjutant doing duty with it. The 24th Native Infantry can ſpare officers; and I could wiſh that Government would order Enſigns Grant, Thompſon, and Harriſon, to do duty with the 13th; I ſhould have done it myſelf, but as they appear to diſlike the charge, it will come better from Government. I have thought it neceſſary to order Captain Kelſo to Negapatam, although he ſigned the paper; and I could very much wiſh that the Adjutant of the 24th Native Infantry was ſent away, as I ſtrongly ſuſpect him of diſaffection, although I have no poſitive proof. I beg to recommend to the favour of Government Captains Grant and Frith; and ſhould they be, as I am informed, entitled from their ſervice to the rank of Major, I could wiſh it might be given them immediately. I have forwarded herewith a Letter from an officer of His Majeſty's 12th Regiment to Lieutenant Colonel Picton, which Colonel Picton gave me this morning; it ſpeaks little in favour of the officer. I have likewiſe ſent you an intercepted Letter from Lieutenant Coombs to C. Hodgſon, which I received this day.

I have the honour to be, &c.

(Signed) Wm WILKINSON,
Colonel commanding Southern Diviſion, Seringapatam.

My dear Colonel, Seringapatam, 29th July 1809.

I HAVE only time to acquaint you that this Fort was laſt night taken poſſeſſion of by the Company's troops, in conſequence of their having received private intelligence that the Reſident at Myſore had been inſtructed to endeavour to ſurprize the Fort with the Myſore troops, and put all the European officers in cloſe confinement; a blow has in conſequence been ſtruck that muſt aſtoniſh the *ruling* power, and convince them that all their efforts to ſubdue the ſpirit that now prevails throughout the Madras Army muſt be fallacious.

You will, before this reaches you, have peruſed the Addreſs from the Company's Army to His Majeſty's troops; I think it a very proper production; but what effect it will have I ſhall not venture to predict.

[No. 2.D.]
Enclosure, No. 30, in Gen: Letter, Secret Dep. 10th Sept. 1809.

All the ſuſpended officers of this Eſtabliſhment now reſiding in Calcutta were invited to dinner by His Majeſty's 14th Regiment, and all the principal inhabitants, civil and military, were invited to meet them; the Bombay Army are determined to ſupport this, and are prepared to act accordingly. Excuſe this haſty ſcrawl, I am almoſt blind, and with great difficulty write; you ſhall hear again from me to-morrow; ſo adieu, God bleſs you.

I remain, your ſincerely obliged,
(Signed) G. DUNLEY.

To Major General Gowdie commanding the Army.

Sir,

I HAVE the honour to forward for your information, a copy of a Letter from Lieutenant Colonel Doveton commanding the detachment in Berar, and copies of the Papers that accompanied it.

I have the honour to be, &c.

Secunderabad, 31ſt July 1809. (Signed) THO. G. MONTRESOR, Lieut. Col

To Lieutenant Colonel Montreſor commanding Hyderabad ſubſidiary force, Secunderabad.

Sir,

I HAVE the honour to forward for your information, and that of the officer commanding the Army in Chief, a Letter to my addreſs, with the Reſolution which accompanied it.

(Signed) J. DOVETON,
Jaulnah, 26th July 1809. Lieut. Col. commanding detachment in Berar.

To Lieutenant Colonel Doveton, &c. &c.

Sir,

IT is with infinite pain that the officers of the force have at length been driven to the extremity which the Paper herewith encloſed will inform you of. We deprecate any diſreſpect towards you in this tranſaction; and beg leave to aſſure you of our unalterable eſteem, which you have ſo highly merited ſince we have had the honour of being under your command; and we beg leave to aſſure you that we will ſtill continue to obey all Orders received from you, which are not injurious to the cauſe of the Coaſt Army.

(Signed) The Jaulnah Committee, for the whole of the officers.
Camp, Jaulnah, 25th July 1809.

Reſolution of that part of the Hyderabad ſubſidiary force ſerving in Berar.

24th July 1809.

We, the officers of the Berar detachment, having united amongſt ourſelves, and alſo united with the reſt of the Army in a Reſolution to obtain redreſs of our grievances, the particulars of which have already been laid before Government, deem any attempt to divide us as incompatible with and deſtructive to that Reſolution.

We ſhall therefore diſregard every order to that effect; but we will nevertheleſs obey all orders addreſſed to us by the officer commanding this force for the interior regulations of its duty.

Horſe Artillery—G. U. Poignand, Cap. Lieut.

4th regiment Native Cavalry—T. S. Palmer; B. B. Proctor, Lieut.; E. Driffield, Lieut.; P. S. Bouner, Lieut.; E. Y. Munro, Lieut.; D. Ainſlie, Surg.; W. J. Erſkine; J. Meredith, Lieutenant; W. Hamilton, Cornet; C. E. Duckinfield, Cadet; T. Greinhill, Cornet; J. W. Johnſtone, A Surgeon; G. Maguary, Cornet; J. L. Luſhington, Captain.

1ſt batt. 10th reg. N. I.—A. M. Davidſon, Captain; G. J. Gelleſpie, D°; R. Palin, Lieut.; F. Darke, D°; H. Newall, D°; A. Fotheringham, Cornet; H. Walker, Lieut.; H. J. Jourdain, Lieut.

1ſt batt. 12th reg. N. I.—J. Pollock, Captain; S. K. Grandi, D°; E. Conmy, *Cap. Lieut.; J. Meny, Lieut.*

8th N. I.—A. M'Leod, Cap.; C. W. Bell, Lieut.; J. D. Burnett, D°; C. Temple, Cornet; H. Smith, D°; C. B. Durley, Lieut.; W. D. Baillie, D°; H. Jones, Cornet; James Lyon, D°; W. Greaves, D°.

1ſt batt. 10th reg. N. I.—G. M. Gibſon, Capt.; James Treſwell, Lieut.; W. Richardſon, D°; J. Englis, D°; W. Slokoe, D°; W. Shaw, D°; Robert Bell, Lieut.; Owen Jones, Enſign; J. W. H. Howell, Captain-Lieut.; J. Morgan, Lieut.; C. Wilſon, D°; P. Robertſon, D°; Auguſt Chambers; S. W. Steel, D°; J. Jones; H. Reid, D°; W. J. Hall, Enſign; C. Mackentoſh, D°; W. C. Cunningham, Lieut.; J. Wakefield, Enſign.

2d batt. 17th reg. N. I.—J. H. Stewart, Major; J. D. Greenhill, Captain; J. Wahab, D°; J. Lucas, Captain-Lieut.; R. Dalgainn, Lieut. J. Ogilvie, D°; N. J. Haliburton, D°; W. J. Horne, D°; J. M. Cornuch, Lieut.; J. Hodſon, D°; J. Critchton, D°; J. Higgins, Lieut.; J. Jackſon, D°; James Kelline, Aſſt.-Surgeon; C. S. Williams, Enſign; H. W. Hodges, D°; R. Tumbs, D°; W. Allan, D°; John Tod, D°; C. Hopkinſon, Lieut.

1ſt batt. 10th reg.—W. Slami, Major; H. E. O. Tailor, Captain; R. Groynone, Lieut.; E. Richardſon, D°.

(A true Copy.)

(Signed) C. ADDISON, D. A. G.

[No. 2. D.]
Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809,

Colonel Wilkinson, commanding Southern Division of the Army.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your Letter of the 30th ultimo, to the Military Secretary to the Honourable the Governor, and to express to you his entire approbation of the honourable public zeal and firmness which have been manifested by you in the execution of his orders of the 26th ultimo, and which have equally distinguished the whole of your conduct since your appointment to the command of the Southern Division of the Army.

The behaviour of the Native Officers of the Company's troops at Trichinopoly on receiving the communications made to them under the Order of the Government of the 26th ult. has afforded to him the sweetest satisfaction, and corresponds with the opinion which he had formed of their fidelity and attachment to the Government.

I have the honour to be, Sir,
Your most obedient Servant.

Fort St. George, 8th August 1809.

To Colonel Wilkinson, commanding the Southern Division of the Army.

Sir,

I AM directed by the honourable the Governor in Council to acknowledge the receipt of your Letter of the 2d instant.

The officer commanding the Army has been requested to send two officers from His Majesty's 25th Dragoons to do duty with the 6th Native Cavalry, in consequence of the opinion expressed by you in a former Letter.

If Major Nuthall declares himself incapable of taking the field you will be good enough to forward such declaration officially to the officer commanding the Army.

The officer commanding the Army has been requested to appoint Ensigns Grant, Thompson, and Harrison, of the 24th Native Infantry, to do duty with the 13th.

The Governor in Council approves of your having ordered Lieutenant Kelso to Negapatam; and I am directed to request that you will use your discretion in adopting a similar measure with respect to the Adjutant of the 24th.

The Governor in Council would have the greatest satisfaction in publishing the promotion of Captain Grant, but the vacancy to bring him in is not yet become known to Government. Major Frith's promotion will appear immediately.

The Governor in Council requests that you will communicate to Captains Frith and Grant the high sense which he entertains of their honourable conduct.

I have the honour to be, Sir,
Your most obedient Servant,

Fort St. George,
8th August 1809.

To Colonel Wilkinson, commanding the Southern Division of the Army.

Sir,

I AM directed to acknowledge the receipt of your Letter of the 1st instant, and to inform you that the Governor in Council entirely approves the measures therein reported with respect to the field detachment.

The Governor in Council approves and confirms the appointment of Lieutenant Nunn, of His Majesty's 30th Regiment, to the situation of Assistant Quarter-Master General, and he accepts Lieutenant Cunningham's resignation of the honourable Company's service.

I have the honour to be, Sir,
Your most obedient Servant,

Fort St. George,
8th August 1809.

My dear Sir, Fort St. George, 8th August 1809.

I AM directed by Sir George Barlow to forward to you copy of a Letter from Major General Croker, under date the 2d, with two of its enclosures.

Sir George Barlow has desired me to request your attention to the disclosure made by the officers at Bellary, of the criminal pledge into which a great majority of the officers of the Army had entered, the dangerous effects of which have in a great measure been frustrated by the Order of the 26th July.

The officers at Seringapatam had, in conformity to that pledge, followed the example of the officers at Hyderabad, and had refused to allow one of the corps of that station to march on the 24th July.

I am also directed to send you copies of two Letters received to-day from Major General Pater, dated the 2d and 3d instant, with their enclosures.

I remain, my dear Sir,
Your faithful and obedient Servant,
(Signed) R. BARCLAY, Military Secretary.

To Colonel Close, &c. &c. &c.

P. S. I have just received your Letter of the 27th, and laid it before the Governor.

Honourable Sir, Poona, 30th July 1809.

You will have received intimation from Colonel Close of his departure from Hyderabad, and that the duties of this Residency have devolved on me during his absence. As I deem it my duty in the present juncture to afford you, honourable Sir, every information in my power, tending to support the authority of your Government, I shall, whenever circum-

[No. 2. D.]
Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

ſtances relating thereto come to my knowledge, do myſelf the honour of addreſſing you in this private form, more eſpecially as I was adviſed by Colonel Cloſe even to detail to you the common reports in circulation here, with the grounds on which I may think them entitled to credit, or otherwiſe.

It has been probably ſtated to you, that the officers of the Madras Army, who are at preſent engaged in meaſures adverſe to legal authorities, hold out their reliance on the ſupport of the Army of Bombay; certain it is, that a Letter from the Jaulna force was addreſſed to Jorrore, as if in reply to a Letter from a committee of Bombay officers at the latter place, but it probably was held out as a bait, ſince it appears to me that no unanimity of opinion prevails there on the proceedings of the Madras officers; and had a committee aſſembled among ſo many young men, with whom I hold conſtant intercourſe, the ſecret would not have been * a reply to ſome individual who took upon himſelf to anſwer for general ſentiments. Theſe being but ſurmiſes, with no ſure foundation, I ought to apologize for troubling you with them.

* *Qucre*

I ſhall now ſtate a point related in a Letter from an officer at Jaulna to a gentleman here, on the news of the refractory conduct of the officers at Maſulipatam. Colonel Fletcher harangued his corps, to induce their volunteering to march immediately to their aid, but could not induce a man to turn out. This ſtep is ſpoken of with great diſapprobation by ſome, if not moſt of the officers at Jaulna, as well from its ill ſucceſs, as from their aſſerted wiſh to conceal from the Sepoys all knowledge of the ſtate of affairs, at leaſt in ſo official a mode.

I am the more diſpoſed to credit this ſtatement, as it is a communication on the ſpot from a perſon in the habit of correſponding with the gentleman from whom my knowledge is derived, as it is couched in terms of vexation at the folly of the meaſure.

It is material to know this, that there does not appear to exiſt that ſecurity of the ſupport of the Sepoys aſſumed by the officers in their propoſitions, whether we advert to their intention of keeping the motive of their meaſures ſecret, or to the reſult of one direct to the Native troops.

I remain, honourable Sir,
Your moſt obedient and humble Servant,
(Signed) CLOLWORTHY GAWAN.

To the honourable Sir G. Barlow, K. B.

To the Chief Secretary to Government.

Sir, Fort St. George.

I HAVE this day had the honour to receive your Diſpatch of the 26th ultimo, upon which I immediately took meaſures to aſcertain what might probably be the reſult of my propoſing the encloſed Declaration for the ſignature of the Company's officers at this ſtation.

My information is derived from ſo reſpectable a ſource, that I feel it incumbent on me to ſtate to Government, that I have the ſtrongeſt reaſon to believe that ſcarcely one officer in this cantonment would ſign the paper, as it would bind him to act againſt the reſt of the Army, which they are determined not to do.

There may be ſome few whoſe inclinations would lead them to ſign it, but they are deterred by the great majority, who are of an oppoſite opinion. I am alſo given to underſtand, that even a propoſal of the kind would moſt probably produce an open and immediate revolt.

Under theſe circumſtances, I hope that the honourable the Governor in Council will approve of my communicating this to him previous to my taking any further ſteps, as I conceive my means to be totally inadequate to enforce the orders which I have received. There are, at this moment, ſeven battalions of Sepoys, two of Pioneers, with a company and a half of Artillery, in this Diviſion, through the whole of which force I have no doubt that the ſame ſentiments prevail.

To carry the Orders of Government into effect againſt this numerous body I have only one regiment (His Majeſty's 19th) in which I can place any confidence; and I ſhall be ſorry to attempt any ſtrong meaſure without a certainty of carrying it through.

Under the circumſtances which at preſent attend the ſituation of the 19th Regiment I muſt beg leave again to expreſs what I did in a former Letter to Government, that I greatly fear we ſhall not be able to contribute that aſſiſtance which it is our wiſh to do, being at ſuch a diſtance from any other corps whoſe ſteadineſs can be depended upon.

If I might be allowed to offer an opinion at a criſis ſo ſerious as the preſent, I ſhould think a junction of the 19th Regiment with the 12th and 30th at Trichinopoly, or with any other of His Majeſty's regiments, might be attended with very beneficial conſequences.

If after this ſtatement it is ſtill the opinion of the honourable the Governor in Council that the meaſures contained in your Diſpatch ſhould be attended to, I ſhall certainly uſe my endeavours to enforce them.

I have the honour to be, &c.
(Signed) P. STUART, Lieut. Col. commanding in Travancore.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I HAVE the honour of acknowledging the receipt of the two Letters addreſſed to me by Mr. Falconar, Chief Secretary to Government, dated 26th July 1809, and of your Letter without date, but ſtated in the firſt paragraph to have been written on the following day, the former yeſterday, and the latter to-day.

The

[No. 2. D.]
Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

The first circumstance which occurred to me, was the probability that the Government was not aware of the profound quiet at present in Malabar and Canara, and the great mutual confidence which exists between Major Vernon, who commanded the 2d battalion 12th Regiment Native Infantry stationed here, and me, and which will tend most materially to the preservation of so desirable an understanding throughout the command.

This consideration induced me to have a communication with Major Vernon upon honour of mutual secrecy, in which he told me, that if the contents of Falconar's Letter were made public he could not answer for the consequence, but rather dreaded a mutiny of the Sepoys, whose minds have been from time to time kept in a state of irritation by itinerant emissaries.

I then observed to him, that I thought he and I had it in our power by pursuing moderate measures to do a great service to the State; and that I wished to know if he would, on condition of my suspending the execution of my Orders until honoured with further ones from Government, give me his word of honour to abstain from any unauthorized proceeding, of this he has given me the fullest assurance, and upon his honour do I rely for the Governor's pardon for not carrying into execution the Orders which I have received.

The season is such that no movement of troops can take place; nothing can be done, at least, certainly not before I have an answer to this. I beg of the honourable the Governor to consider the Order can be carried into execution in fourteen days hence, as well as to-day.

I could not collect from Major Vernon any thing to give hope that he would sign the required declaration of fidelity to Government, nor did he give me reason to suppose that he could utterly reject it in all its points of view.

I have every right to believe, that if the declaration is not proposed every thing will remain quiet in these Provinces, but the moment it is pressed upon the officers they will refuse it, and from that moment the Sepoys will be in open mutiny.

By the time I receive the Government Orders in answer to this the Sepoys will have heard of the obedience of their comrades at the Presidency and the neighbouring camp, which must necessarily be conducive to their following the same line of conduct, and which in all human probability will have produced the happiest effects throughout the Army.

There I rest the case, relying upon the indulgence of the Governor. Had there not been this confidence between Major Vernon and myself, I could have carried the order into execution as soon as the necessary arrangements had been made, although well aware that an immediate rupture would have ensued between the 80th Regiment and the Artillery, and 12th Native Regiment.

Should any occurrence call for violent exertion in the support of Government before I am honoured with further commands, I will not hesitate in adopting them, but I do not think there is the least probability of such.

This goes by Seringapatam, and a Duplicate by Paul Ghaut. I shall transmit a Triplicate and a Quadruplicate by the same routes to-morrow.

I have the honour to be, &c.
(Signed) BEN. FORBES,
Lieutenant Colonel commanding.

Cannanore, 2d August 1809.

To Lieutenant Colonel the honourable P. Stuart.

Sir,

I AM directed by the honourable the Governor in Council to acknowledge the receipt of your Letter of the 1st instant, and to desire that you will immediately carry into execution the Orders of Government contained in my Letter of the 26th ultimo.

After having executed those Orders at Quilon, you will proceed if necessary with any part of your force to the other stations in your division, for the purpose of carrying the Orders of Government into effect at those stations.

I have the honour to be, Sir, your most obedient Servant,
(Signed) A. FALCONAR.

Fort St. George, 9th August 1809.

Lieutenant Colonel the honourable P. Stuart.

Sir,

I AM directed by Sir George Barlow to acquaint you that the Orders of the 26th July have been carried into execution by Major General Croker, at Bellary, and by Lieut. Col. Gibbs, at Bangalore; that few of the Company's officers at the former station, and not one at the latter, signed the declaration required, but that every one of those who refused their signatures at both the stations submitted to the other terms of the Orders with the utmost propriety, and left the Cantonments immediately, preparatory to their proceeding to the places on the sea coast allotted for their future residence.

Colonel Wilkinson has also carried the same Orders into effect at Trichinopoly. He found a considerable number of officers who signed the declaration, but the suspicious conduct of some of those who refused to sign it induced him to march them away from the Cantonment to the distance of 30 miles under a guard.

When the Orders were explained to the Native Officers at the three principal stations abovementioned, they to a man professed their loyalty and attachment to the Government, and their readiness to obey such officers as might be placed over them, as well as to proceed on any service that might be required, in terms still stronger and more expressive than those which I had the honour of stating to you had been employed on a similar occasion by the Native Officers of the corps in this Garrison, and in camp near St. Thomas' Mount.

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Major General Croker, Colonel Wilkinson, and Colonel Gibbs, proceeded immediately to replace the Staff Officers, and to appoint others from His Majesty's regiment under their immediate command to the charge of the Native Corps whose proper officers had been removed, and they all report that the duties in their respective stations were going on as regularly as ever.

The reports from all other stations are uniform as to the loyalty and attachment of the Native Troops, and Sir George Barlow does not entertain the smallest doubt of a similar result whenever the appeal is made to the troops in Travancore. He considers that your own regiment is sufficient for enabling you to enforce the Orders of the 26th July, among the corps in the Cantonment of Quilon, and that having done so there, and placed a few officers of His Majesty's 19th regiment in charge of the Native Corps, you may, with perfect safety and advantage to the service, move to all the other stations in Travancore for the same purpose. I have further the pleasure to acquaint you that orders have been dispatched to day to Colonel Wilkinson to march upon Travancore with the flank companies of the 12th regiment, the 30th regiment, and a proportion of Native Troops, by the route of Dindigul, Madura, and Palamcottah, for your support.

I have the honour to be, &c.
(Signed) R. BARCLAY, M. Sec.

Lieutenant Colonel Forbes,

Sir, Fort St. George, 9th August 1809.

I Am directed by Sir George Barlow to acknowledge the receipt of your Letters of the 2d and 3d instant, and to express to you his entire approbation of the zeal and firmness shewn by you in carrying into execution at Bellary the Orders of the Governor in Council, dated the 26th July last, and his confirmation of all the arrangements and appointments which you have reported.

Sir George Barlow has been concerned to observe how little assistance you had received from Lieutenant Colonel Sir David Ogilby on so trying an occasion; and he requests that you will convey to Major Everard, of His Majesty's 34th regiment, his warmest thanks for the zeal and activity with which he supported you in carrying the Orders of Government into execution. Sir George Barlow has further directed me to request that if your Orders to Lieutenant Colonel Bowness are not promptly and effectually obeyed by that officer, that you will proceed to Gooty in the first place, and afterwards to the other stations in your division, carrying such an European force with you as will enable you to put the Orders of Government in execution at every place. This will render it necessary for you to make further application to Major Everard for officers for the third, and to take charge of the other Native corps of the division, in the event of all their officers refusing to sign the declaration; but from the zeal which that officer has already displayed in the public service Sir George Barlow entertains no doubt of his finding the means of complying with all your demands of that nature, without any permanent inconvenience to His Majesty's service.

Sir George Barlow has observed, with the greatest satisfaction, the loyalty and attachment of the Native officers at Bellary, which corresponds exactly with what had been manifested by those at Trichinopoly, Vellore, and Bangalore, and which he entertains no doubt will be found universal whenever the appeal is made to the rest of the Native Army.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) R. BARCLAY, Military Secretary.

Major General Croker, &c. &c. &c.

To the Chief Secretary to Government.

Sir, Trichinopoly, 5th August 1809.

I Have had the honour to receive your Letter of the 1st instant this morning, at the same moment with the enclosed Letters and Papers from the commanding officer of Dindigul. In compliance with the orders of the honourable the Governor in Council I shall proceed direct to Dindigul, and after enforcing* the post of the 2d battalion of the 16th Native Infantry which is there, I shall proceed to the southward. As the four companies of the 2d battalion of the 16th Native Infantry are not arrived, nor any account of their having marched, I shall be obliged to leave near four hundred Sepoys at Trichinopoly, to do Garrison duty.

* Sic Orig.

I have the honour to be, &c.
(Signed) W. WILKINSON, Colonel commanding Southern Division.

To Colonel Wilkinson, commanding Southern Division.

Sir,

I Had the honour this morning to receive by express your Letter of the 31st ultimo, with its enclosures, and in reply have to inform you that there is not a corps in His Majesty's or honourable Company's service more attached to the interests or more willing to exert themselves for the welfare of their king and country.

Agreeably to your instructions, I convened a meeting of the officers, and have now the honour to transmit a Declaration signed by every officer here, which I hope you will conceive a sufficient assurance of our loyalty and attachment.

As you directed, I have transmitted by express to the officer commanding the two companies at Madura your Letter and its accompaniments for his guidance, who will of course transmit to you the sentiments of the officers at that station.

(Signed) D. MACDOWALL,
Major 2d bat. 16th regt. N. I. and commanding Dindigul.

Dindigul, 3d August 1809.

[No. 2. D.]
Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

We, the underſigned officers of the honourable Company's 2d battalion 16th regiment, do in the moſt ſolemn manner declare upon our word of honour as Britiſh officers, that we will ſupport the intereſts of our king and honourable maſters, but as human nature revolts at the idea of a hoſtile contention with our brethren in arms, and intimate friends and relations, which ſo indefinite a pledge as the one received would oblige us to, we hope this will be ſufficient to aſſure you of our loyalty and attachment to our king and the honourable Eaſt India Company.

(Signed) D. Macdowall, Major; P. B. Man, E. Chitty, Captains; J. Williamſon, C. Hall, F. D. Saunders, J. Watſon, J. H. Willows, M. C. Hanter, J. Barnes, Lieutenants; Samuel Hadder, Enſign; William Jones, Aſſiſtant Surgeon.

(A true Copy.)

(Signed) J. POWELL, Major of Brigade.

Dindigul, 3d Auguſt 1809.

To Lieutenant Colonel R. Barclay Military Secretary to the honourable the Governor.

Sir, Bellary, 5th Auguſt 1809.

THE Reſolution of Government on the place of reſidence of the officers who may be removed from the exerciſe of their Military functions, as communicated in your Letter of the 29th ultimo, has been publiſhed at this ſtation; and I have now the honour to report for the information of the honourable the Governor in Council, that the officers of the Artillery, 2d battalion 7th Regiment, and 1ſt battalion 9th Regiment, ſuſpended and reported in my Diſpatch of the 2d inſtant, have all fixed on Negapatam, which they chooſe as their reſidence, and they will proceed thence as ſoon as they can procure carriage for their baggage.

The immediate departure of the ſtaff officers removed from the exerciſe of Military authority would be attended with very conſiderable inconvenience to the public ſervice. Captains W. Coote, Campbell, and John Campbell, have however choſen Pondicherry as their place of reſidence, and will repair to that ſtation with as little delay as circumſtances will admit. Captain Stewart having reſpectfully tendered his reſignation of the ſervice, has already ſolicited permiſſion to proceed direct to the Preſidency to return to England.

In conſequence of the Orders conveyed in your Letter, dated the 1ſt inſtant, (juſt received,) I have appointed Mr. William Jackſon, Conductor of Ordnance at Bellary, to act as Lieutenant Fireworker, and to join and do duty with the company of Artillery at this ſtation; he has been brought up as an Artilleryman, and is a moſt correct and valuable officer in his line.

I have the ſatisfaction of ſaying every thing goes on here regularly and quietly.

I have the honour to be, Sir, yours, &c.

(Signed) R. CROKER, M. G. commanding.

To the Chief Secretary to Government.

Sir, Fort St. George.

IN compliance with orders I received from Major General Croker commanding the ceded diſtricts, in a Letter dated the 3d inſtant, covering ſeveral Papers and Inſtructions, I aſſembled on the following morning the whole of the Company's officers at this garriſon, and explained to them particularly the purport of them, as I thought it adviſable to give them time to reflect upon them until the day after; they again met, and the above-mentioned Papers were again read and explained; after mature deliberation their ſentiments were committed to the Paper which accompanies this.

I am well aſſured, neither the officers of the 1ſt battalion 25th Regiment, or Captain Taylor of the 2d battalion of Artillery, have been concerned, either directly or indirectly, in any of the irregular proceedings reported to have been in circulation throughout the Army.

I beg leave to acquaint you the officers whoſe names are inſerted in the accompanying Paper will proceed early to-morrow morning to Gurrildinny, a ſmall village, twenty-one miles ſouth of Gooty.

I took the earlieſt opportunity of aſſembling the Native Officers of the 1ſt battalion 25th regiment, and am happy to add I have every confidence in their zeal and attachment to Government.

(Signed) GEO. BOWNESS, Lieut. Col.

Gooty, 5th Auguſt 1809.

We, the underſigned officers of the Garriſon of Gooty, having maturely conſidered and deliberated upon the papers read to us by Lieut. Col. Bowneſs, commanding, beg leave moſt reſpectfully to ſtate that we conceive them tending to diſunite us from our Brother Officers of the Coaſt Army in a reſpectful application for a redreſs of grievances; at the ſame time we conceive it a duty we owe to ourſelves to declare that we have at all times evinced a ſenſe of duty to our honourable Employers, our King, and Country.

(Signed) R. Taylor, Captain, 2d batt. Art.—C. Aleves, S. Major, 1ſt batt. 25th reg. N. I. —Thos. Butcell, Captain; S. S. Gummer, Captain-Lieutenant; Thos. Oliver, Lieutenant; W. Lodley, D°; W. Henoe, D°; R. S. Cotton, D°; P. Snowden, D°; Geo. Bogs, D°; M. Bonert, Enſign; Thy. Thompſon, D°; A. Ranker, D°.

To Major General Pater.

Sir,

YOUR Letters under date the have been received and laid before the honourable the Governor. On a mature conſideration of the whole courſe of the proceedings that have occurred at Maſulipatam, it appears to the Governor to be a ſubject of regret that ſome de-

No. 2 D.] Enclosure, No. 30, in Gen. Letter, Secret Dep. 10th Sept. 1809.

cided endeavours were not employed to carry into effect the Orders of Government of the 26th ult. and to separate the men from the interests of officers who are in a state of rebellion to the authority of their country. The unsuccessful result of such an attempt could not be more adverse to the public interests than the actual state of affairs at Masulipatam, while the most solid advantages would have ensued from its proper execution. These considerations induce the Government to desire that you will carry the Orders of Government of the 26th ultimo into effect, at every hazard, if the troops should have still remained at Masulipatam. If the Garrison of Masulipatam should have marched from that place, it will be the object of your exertions to prevent their being joined by any of the other corps in the Division; and it will be proper that you should address the officers commanding those corps, calling upon them, in the strongest terms, by their duty and allegiance, to maintain their present positions, and resist every proposition to join the revolted troops. It will also be proper that you should proceed in person to Ellore, Samulcottah, and the Vizagapatam Districts, and employ the most strenuous endeavours to retain the troops at those stations in a state of obedience to Government, appealing to the fidelity and zeal of the men, if the European Officers should have adopted the resolution to act against the State. In the present state of affairs the most decided and vigorous measures are indispensably necessary to the maintenance of the public authority; and the Government trust that you will employ every possible exertion to suppress the sedition which prevails among the troops under your command.

In the event of the Fortress of Masulipatam being entirely abandoned, the Government desire that you will provide for its occupation in communication with the civil authority, by means of the Police and Sibbandy Establishments in the district, making such an increase to their numbers as may be necessary.

Fort St. George, 10th August 1809.

To the Chief Secretary to Government.

Sir,

I Have the honour to acquaint you, for the information of the honourable the Governor in Council, that on receipt of your Dispatch of the 27th ultimo, I determined immediately to assemble the officers of the Company's service at the station, and inform them of the Orders of Government.

I accordingly did so this morning; read to them the instructions I had received, and recommended strongly the line of conduct they ought to pursue; they were perfectly respectful, and requested a short time to consider the business.

They then acquainted me, that as the order which I had communicated to them required a declaration from them to the purport of the paper accompanying it, they wished I would substitute the one which they then presented in lieu of the other, as the purport of the pledge which they then gave me, signed by every officer in the Cantonment, declared their sentiments of supporting Government and obeying its orders, with, as it appears to me, no material alterations from the other. I agreed to forward it and wait the declaration of Government.

I sincerely hope it may meet with approbation, considering the ferment and irritation of the times.

I am happy also in being able to mention that the officers stationed at this place have expressed to me their disapprobation of the precipitate measures adopted by the Hydrabad force, which I hope to be able to express to you more fully to-morrow.

They have pledged themselves to me solemnly that no steps whatever shall be taken by them in any respect without my sanction, until an answer to this Letter arrives from Government.

I am sorry, however, to state what has been reported to me to-day, that in consequence of the late orders for the march of two corps from this station, a considerable degree of murmuring and discontent has taken place among the Sepoys, from their not having received their Hutting-money; that in consequence of this, and their having been at a great expence in bringing back their families, which had been sent away previous to the campaign, and the late period of receiving their pay here, which is seldom before the latter end of the 2d month; they are most of them in great distress. Complaints from Sepoys I am informed are very unusual, and I should think at such a period as this the cause of them ought to be removed as soon as possible.

I have thought it expedient under all circumstances to order the march of the 1st battalion 2d, and 1st battalion 4th regiment to their destination, as ordered by the Quarter Master General, as soon as money can be procured to settle their arrears.

I have the honour to be, &c.

(Signed) P. STUART,

Quilon, 3d August 1809. Lieut. Col. commanding in Travencore.

We, the undersigned officers of the honourable Company's service do, in the most solemn manner, declare upon our words of honour, as British officers, that we are generally and individually animated by sentiments of the purest loyalty and attachment to our King and Country, are ready and willing, under every circumstance, to support their interests at the expence of our lives, and to obey the orders and support the authority of the Government of Fort St. George, agreeably to the tenor of our Commissions, as more fully explained in paragraphs 60th, 61st, 63d, 64th, 72d, 74th, to the 80th inclusive, of the Letter from the Right honourable the Governor

[No. 2. D.]
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Governor General in Council to the Honourable the Governor in Council of Fort St. George, under date Fort William, 27th May 1809.

(Signed) W. Hargrave, Lieut. 4th N. I.; W. Williams, Lieut. 1st batt. 4th regt.; Henry Skeen, Lieut. 1st batt. 4th N. R.; J. Jones, Lieut. D°; Alex^{r} M^{c} Leod, Capt. 2d batt. 9th regt.; H. Wep, Enſign, D°; Alex^{r} Balmain, Capt. 7th regt.; Le Roſe, Lieut. D°; Tho^{s} Authur, Enſign, D°; Tho^{s} Ahmuty, 2d batt. 10th regt.; J. J. Backintoſh, Capt. Artillery; C. Sudiſten, Lieut. 2d batt. 9th regt.; C. Elphinſtone, Lieut. D°; E. Olborn, Lieut. D°; E. Blackman, Lieut. D°; A. M^{c} Kenzie, Lieut. D°; Geo. Vald, Lieut. D°; R. Swyen, Lieut. D°; John Dame, Enſign, D°; P. R. Thordick, Enſign, D°; D. M. Andrew; W. Harris, Lieut.; Geo. Moore, Lieut.; J. Dabzul, Lieut. 4th regt.; W. Robertſon, Capt. 4th regt.; M. Campbell; R. Hol, Major, 4th regt. N. I.; D. Hewall, Capt. 4th N. R.; Rich^{d} Burn, Capt. 1ſt batt. 2d regt.; G. Pepper, Capt. D°; S. J. Hodgſon, Lieut. D°; W. Gordon Tharritt, Lieut. 2d batt. 9th regt. N. I.; J. Prendergaſt, Lieut. D°; W. C. Nidham, Lieut. D°; J. Roger, Lieut. D°; W. Horſky Bowley, Lieut. D°; R. Marktoiz, Enſign, D°; Jeo. Stott, Enſign, D°; Cha^{s} Gahagan, Capt. Artillery; H. Sargent, Enſign, D°; A. Hammond, Lieut. 1ſt batt. 4th regt.; H. Wallis, Enſign, D°; R. Fringle, Enſign, D°; A. Sibbald, Enſign, D°; John Payne, Enſign, D°; J. Hicks, Lieut. 2d batt. 9th regt. N. I.; M. M. Houghton, Aſſiſtant Surgeon, Artillery; J. Dalgauns, Lieut. 7th regt. N. I.

Sir, Fort St. George, 10th Auguſt 1809.

I AM directed by the honourable the Governor to acknowledge the receipt of your Letter of the 3d inſtant to the Chief Secretary to Government, with an enclosure, and to repeat to you his commands, that you will, without any delay whatever, or without any further reference, require from the officers of the Company's ſervice under your command their unqualified ſignature to the Declaration which accompanied the Orders of the 26th July laſt, and in the event of their refuſing to ſign it that you will carry thoſe Orders fully into effect, by removing thoſe officers from the execution of their Military functions, and that you will cauſe them to proceed with all practicable diſpatch to the limits aſſigned in ſubſequent Orders for their reſidence, ſupplying their places in the beſt manner that you can by officers of His Majeſty's ſervice.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) R. BARCLAY.

Lieutenant Colonel the honourable P. Stuart, &c. &c.

Enclosure, No. 31.

To the honourable Sir G. H. Barlow, Bart. K. B.

Honourable Sir,

I DO myſelf the honour to acquaint you that I reached Hyderabad yeſterday morning. Having made a full report of my immediate proceedings at this place to the officer commanding the Army in Chief, I beg leave to refer you to that report for detailed information of the circumſtances which took place yeſterday noon in the Cantonment of Secunderabad.

I underſtand that thoſe events produced conſiderable agitation amongſt the Company's officers at this ſtation; their committee continued their deliberations till a late hour in the evening, and I find from Colonel Montreſor that they diſpatched a ſummons to Jaulna for the immediate march towards Hyderabad of the whole of the Berar detachment. They alſo ſeem to expect that the detachment will be headed by Lieutenant Colonel Doveton. I have reaſon to believe that the ſummons which was formerly ſent for the march of a certain portion of the troops at Jaulna, was revoked in conſequence of the remonſtrances of Colonel Montreſor, and of a Letter from Captain Sydenham to Lieutenant Colonel Doveton, which was read to the officers here by Colonel Montreſor. But it is ſtrongly to be apprehended that the preſent orders will not be complied with by the officer at Jaulna.

From the information which I this morning received from Lieutenant Colonel Montreſor, it appears probable that the Company's troops here, after having been joined by their aſſociates from Jaulna, will move towards Maſulipatam, or ſome other ſtation in the Carnatic as circumſtances may hereafter ſuggeſt.

Whilſt I was writing this Diſpatch I received from the Company's officers a Letter, of which I have the honour to encloſe a copy, directing me in poſitive terms to leave the vicinity of this place in the courſe of the day. I had reaſon to expect ſuch a requiſition from them; and I had intended to permit them to place me in confinement; but from the tenor of Colonel Barclay's ſecret Diſpatch of the 22d inſtant, which I only received laſt night, it appearing to be the intention of Government to require my ſervice with the force that is to be ſent in this direction, I thought proper to comply with the requiſition which was ſent to me.

The reſult of yeſterday's proceedings convinced me that I muſt deſpair of being able to bring back the Company's troops, either at this place or at Jaulna, to a ſenſe of their duty, without having recourſe to actual force of arms; and this impreſſion is further confirmed by intelligence which I have juſt received, that the European officers this morning imparted their ſituation and deſign to the Native troops under their command, and that the Native troops aſſured the European officers in the moſt ſolemn manner of their obedience and attachment.

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I judged it of importance to inquire of Lieutenant Colonel Montresor, whether in the event of the Company's troops leaving this station, and marching towards the Carnatic, they would permit His Majesty's Regiment to remain at Hyderabad without taking any means of disabling it. The Colonel seemed confidently of opinion, that in the event of which I alluded, the Company's troops would not offer any molestation to His Majesty's Regiment; my object in making this inquiry was with a view to the future security of the Residency of the Court, and the means of furnishing such a reinforcement to the Military station near the capital, as might enable the Resident to support the national interests in these territories, until the state of affairs became more tranquil.

But since the receipt of Lieutenant Colonel Barclay's Dispatch of the 22d of July, it has occurred to me, that if circumstances should delay the march of the whole of the Subsidiary Force into the Carnatic, and that in the interim the force destined to act in the Deccan be put into motion towards the Kistnah, it is to be apprehended that the disaffected corps here would unite their efforts against His Majesty's regiment, and would endeavour to destroy it.

Allowing sufficient time for the communication of the summons which has been dispatched to Jaulna, the preparation of the troops there for movement, and their march to Hyderabad at this season of the year, they could scarcely effect their junction in this quarter before the 1st of September. It is probable that the force destined to act in the Deccan could not assemble at any point on the Kistnah before that period; by which time the Company's troops collected at Hyderabad would amount to about 300 Artillerymen, 1,200 Cavalry, 5,800 Native Infantry, with 30 pieces of Cannon, of which 14 are drawn by horses.

In the report which I have made to the officer commanding the Army in Chief, I expressed my intention of remaining at this Residency until I should be furnished with further instructions for my conduct; but having judged it advisable to comply with the requisition of the officers here to remove from this quarter, I propose to retire gradually towards Poona, by which plan any Dispatches that may be addressed to me will readily reach me on the road, if directed, under cover, to Captain Sydenham.

I have the honour to be, &c. &c.

Hyderabad, 4th August 1809. (Signed) B. CLOSE.

To Colonel Close, Resident at Poona.

Sir,

The officers of the Hyderabad force having considered your conduct yesterday in execution of the Orders of Government as highly prejudicial to that confidence which subsists between the Sepoys and their officers, and subversive of that discipline they are anxious to maintain, they do declare, that your presence in the vicinity of this cantonment, after such conduct, must be dispensed with; and they hereby direct you to leave the place in the course of this day, left more unpleasant decisive measures should be necessary.

We are, Sir,

Cantonment, 4th August 1809. The officers of the Hyderabad Subsidiary Force.

(A true Copy.) (Signed) By CLOSE, Colonel.

To Major General Gowdie, commanding the Army in Chief.

Sir,

I have the honour to inform you, that in obedience to the Orders of the honourable the Governor in Council of the 14th July, I proceeded towards Hyderabad, and left Poona in the morning of the 29th instant. On the road I received several private communications from Captain Sydenham, from which it was evident that the aspect of affairs in the cantonment of Secunderabad did not become more favourable, on the contrary, rumours of the movement of troops from Jaulna to Hyderabad were prevalent, and the minds of officers in Secunderabad were agitated by different reports of the determination of Government to enforce obedience to its authority. It appeared to Captain Sydenham, that considerable jealousy and apprehension had been excited by my appointment to the command of the Subsidiary Force, as the object of that measure was ascribed by the officers to a design on the part of Government to employ my influence with the Native troops for the purpose of separating them from their European officers. A Letter from Captain Sydenham, stating that Colonel Montresor had learned, with great concern, that the officers had dispatched a Letter to me, to acquaint me, that they would not admit of my assuming the command of the force without a formal declaration of my sentiments and intentions; that a deputation from the officers would meet me previously to my arrival, for the purpose of ascertaining my sentiments, on which would depend their obeying or not obeying my orders. In consequence of the remonstrances which were addressed to the senior officers by Colonel Montresor, it was at length determined that I should be permitted to come on to the Residency, where I was to be met by a deputation from the officers.

As I still advanced towards Hyderabad an Hircarrah delivered into my hands the Letter from the officers alluded to by Colonel Montresor. It expressed a high respect for my character and talents, and a confidence in the weight of my influence at Madras, in accomplishing a reconciliation between the Government and the Army. The object of the Letter was simply to let me know that my services were not required in a Military capacity as commandant of the force, but that in conjunction with Lieutenant Colonel Malcolm I might be useful at the Presidency in promoting their cause, they therefore recommended me to pursue my journey to Madras, but in any event to halt at one stage from Hyderabad. A Paper of proposals containing five articles, which they termed their ultimatum, and similar to the Paper that had been transmitted to Madras, was subjoined to their Letter.

I:

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It is proper that I should here remark, that looking to the motives which led to my appointment to the command of the Hydrabad Subsidiary Force, I always considered it to be an object of primary and essential importance to endeavour by every means in my power to proceed to the Cantonment for the purpose of showing myself to the troops, and assuming the command of them in person; under this impression, it was my determination to have pursued my way to the Cantonment, even if the remonstrances of Colonel Montresor had not superseded, in effect, the Letter from the officers, desiring me stop at one stage short of Hydrabad.

On my arrival at Pullum Churroo, I had the pleasure to meet Captain Sydenham, who had advanced to that place for the purpose of affording me every information in his possession regarding the troops at Secunderabad. On our meeting, Captain Sydenham delivered to me a Packet to my address from Lieutenant Colonel Barclay, containing a copy of the Chief Secretary's Letter to Colonel Wilkinson, regarding the system of measures to be pursued for the purpose of bringing to a test the sentiments of the officers towards the Government of Fort St. George. Lieutenant Colonel Barclay's Letter ascribed the effect produced by the application of those measures to the Company's troops in the Garrison at Fort St. George, and in Camp at the Mount.

Before I left Pullum Churroo I had intimated to Colonel Montresor my wish to see him, Lieutenant Colonel Gore, and the officers of the general staff, on my arrival at the Residency. This morning Captain Sydenham and myself came from Pullum Churroo to the Residency, escorted by a party of Moghul Horse, which his Highness the Nizam had sent to receive me.

Soon after I had reached the Residency I was waited upon by Lieutenant Colonel Montresor, Lieutenant Colonel Gore, and the officers of the general staff, with the Subsidiary Force.

I took Colonel Montresor into a private apartment, and communicated to him the orders which I had received for the regulation of my conduct. I pointed out to him that I thought the nature of my orders left me no discretionary power, and no option but that of asserting the authority with which I was invested. That having been called to the command of the Subsidiary Force, under circumstances of peculiar delicacy and importance, and having quitted Poona for the express purpose of carrying into effect the measures of Government with regard to the troops, I conceived that I could not fulfil the expectations of Government without venturing, at all hazards, to place myself at the head of the troops.

It appeared to Lieutenant Colonel Montresor to be very doubtful whether the officers would permit me to enter the Cantonment, or whether my remonstrances to the Native troops would induce them to abandon the cause of their European officers. Without refusing weight to those objections, I told him that my experience of the character and disposition of the Native troops, the persuasion of my name being long known, and the successful result of the late experiment at and near the Presidency, rendered me rather confident of the probable effect of my immediate presence in front of the Native Corps before they could be put under arms.

It occurred to me that by first proceeding to the Barracks of His Majesty's European Regiment, putting it under arms, and marching it to the Head-Quarters of the force, my object in appearing in front of the Native Corps might be attained with the greatest security. This plan being proposed to Colonel Montresor, he declared his persuasion, that if I first appeared at the quarters of His Majesty's regiment, the vigilance, jealousy, and agitation which existed amongst the officers were such, that the Line of Native Infantry, with the Artillery, would be instantly under arms and prepared for a contest. He stated that the distance from the Barracks of the King's Regiment to the right and nearest part of the Line, being about three quarters of a mile, rendered the plan which had occurred to me still less practicable. On taking these and other circumstances into consideration it appeared to me on the whole, that the most likely mode of ensuring success to the object which I had in view, was to enter the Cantonment at a central point, and halting in front of the Line of one of the Native Corps, to await the arrival of the senior officers.

It was therefore resolved that I should proceed without loss of time to the Cantonment, accompanied by Lieutenant Colonel Montresor, Lieutenant Colonel Gore, and the officers of the staff, and escorted by a troop of Cavalry from the Residency.

As I was about to depart, Major Neale waited upon me for the purpose of intimating that the commanding officers of corps were in their road to the Residency, and wished to know when it would be convenient for me to receive them. I sent for Major Neale, and told him that I had been appointed to the command of the Subsidiary Force; that I had received the command from Lieutenant Colonel Montresor, and that I was about to proceed to the Cantonment, where I should be happy to receive the heads of corps. Major Neale appeared strongly affected at meeting me, and expressed the greatest anxiety respecting the resolution of Government on their late proposals. I replied, that I had been made acquainted with the pleasure of Government subsequently to its receipt of those proposals; that I should speak to him on that subject when I met the officers in Cantonment, and that I thought my communication was calculated to satisfy them.

In pursuance of the scheme above stated, I proceeded to the Cantonment. The main picquet got under arms and saluted me as I passed on, entering the Cantonment, and halting in front of the lines of the 2d battalion 16th regiment. There was every appearance of tranquillity throughout the line. I desired the Deputy Adjutant-General to acquaint the heads of corps that I was prepared to receive them. The troops of cavalry drew up near me, and having occasion to pass them, I looked at them individually, and each saluted as I passed While the Deputy Adjutant-General was absent, Major Neale and Major Deacon came up to me. The Deputy Adjutant-General at length returned, to tell me, that he had delivered

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my message to the other field officers, who had given no reply to it. I sent him a second time, with a similar message, and he returned without being able to procure any answer from them. About this time an officer near me observed that the Artillerymen were manning their guns. I now despaired of seeing any more of the field officers; and as Major Neale was the senior Company's officer with the force, and the commandant of the regiment of Cavalry, and as the appearance and demeanour of both this officer and Major Deacon inspired me with hope that they would listen favourably to what I had to communicate to them, I thought no time ought to be lost in making them acquainted with the measure proposed by Government. I read to them the declaration of their sentiments, to which it was expected they should subscribe. I said that it was of course unnecessary for me to dwell upon the desperate situation in which their late proceedings had reduced them; for they must be well aware that they had placed themselves in hostility against His Majesty's Crown, the Laws of their Country, and their own Government of Fort St. George; that in this situation it was absolutely necessary that the Government should ascertain the sentiments and principles of its officers, in order that the loyal and faithful should be distinguished from those who were indisposed to support the authority of Government; that of course it would be most satisfactory to the Government to find its officers willing to subscribe to the proposed declaration; but such was the consideration of Government for any feeling of difficulty to which they might conceive themselves subjected from pledges, or promises that an alternative was held out by which they could retire from the further exercise of Military functions until the situation of affairs, and the temper of their own minds would admit of their being employed with advantage to the State. They replied that they had looked forward with strong expectation to the acceptance by Government of their late proposals, and that the present measure did not offer any security to their brother officers at Masulipatam: they also observed that all the officers of the Army were firmly united by common bonds, from which they could not separate without redress. To this point I immediately answered that a large portion of their brother officers had already accepted of one of the alternatives proffered to them, and therefore there was now a fair and honourable opening for them to retire from the unhappy cause in which they were engaged.

They then urged the necessity of being allowed time to consult their brother officers, and to deliberate upon the proposal which had been explained to them. I replied that I was instructed to make a distinct proposal to them, and that I had no authority to admit of delay for consultation.

After this a great deal of anxious conversation passed between us; during which I repeatedly pressed Major Neale to accept of the proposal which was made to him. I brought to his recollection the long period of his service, his rank, his peculiar situation in the force; and I urged him to avail himself of this occasion to return with honour to the bosom of his country. The Major seemed deeply affected by this last appeal to his feelings, and lamented the impossibility of his submitting to either alternative.

I then expressed my concern, that the authority of the Government had been rejected and spurned at by the European officers of the force. I said that I had other instructions, and now felt myself at liberty to communicate direct with every native soldier in the Cantonment. During the time that was occupied by this conversation, a considerable number of the men, and apparently the followers of the corps, ranged themselves between us and the barracks, and appeared to observe what was going on. I immediately turned to the troop of cavalry, and addressed them nearly to the following effect: "That they must be well convinced of the allegiance which was due to the Government which they served; that I was the senior officer of the troops appointed by the authority of Government, and that in that capacity it was necessary for them to obey my orders; that Major Neale, their commanding officer, and certain other European officers, had entered into a dispute with the Government, upon points which were entirely personal to themselves; that the points in dispute did not relate to the present moment, but would be adjusted at some future period." They listened to me with attention, drew up towards me, and appeared to assent to what I had said. At this moment I observed the Sepoys of the 2d battalion 16th regiment rushing out of their place of arms, and forming in divisions immediately before me. The European officers were exerting themselves to form the divisions with regularity. I then beckoned to the cavalry to follow me, and rode into the divisions, calling upon the Native officers to let me know why the men had taken to their arms, and what was the cause of their agitation and alarm. I told them that I was their leader and their friend; that the Government was their support; and that as I was appointed to be their leader by the Government I called upon them to look up to me alone, and to obey my orders; to stand fast, and by no means to move; one Native officer in particular I took by the shoulder, and begged he would acquaint me why the men were falling in, and priming and loading; but I could not prevail upon him to make me any answer. I laid hold of the same Native officer a second time, repeating my question to him, but could obtain no reply from him. I addressed the same questions to several of the non-commissioned officers, but with no effect; during this time the divisions were *pressing division*.* I made the same attempts to procure an explanation, but without success. When the whole corps was formed I pushed on to the front division, and made another attempt to check them. I took the Subidar of cavalry by the hand, and desired him to accompany me; he rode with me a few yards, but then quitted me; and the troopers, though they made a movement at first as if they intended to follow me, soon held back. I advanced to the front division of the battalion, but could not persuade any of the men to listen to me. By this time the battalion had closed to the right, and completed its formation with the other battalions and the park of artillery; a good deal of bustle took place until the formation

* Sic Orig.

was

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was completed, but after that the moſt perfect ſilence and regularity reigned throughout the Line, two battalions were formed on the left of the park, and two others on the right of it, in a direction perpendicular to that of the battalions on the left of the park.

During the whole of this ſtruggle, I thought it probable that ſome attempt might be made to ſecure my perſon and place me in confinement. But no diſpoſition whatever of that kind was manifeſted, and every mark of indignity or diſreſpect to my perſon ſcrupulouſly avoided. Major Neale and Major Deacon approached me, and, in very polite terms, expreſſed their deep regret that any circumſtances ſhould place them in oppoſition to me. I addreſſed myſelf to Major Neale, and ſaid, that as he was the ſenior officer preſent at the ſhameful oppoſition which had been ſhewn to my orders, I ſhould conſider him as particularly reſponſible for what had occurred; that as my authority had been ſo openly and ſo completely rejected, I could conſider myſelf in no other light but as his priſoner; and that as the objects of my appointment to the command of the Subſidiary Force had been defeated, I regarded Lieutenant Colonel Montreſor as the Commandant of the force as if I had never entered the Cantonment.

After this I accompanied Colonel Montreſor to his quarters; in a ſhort time the whole of the field officers came to the Colonel's quarters, and expreſſed a wiſh to ſee me, and to deliver an Addreſs to me. I made known to them that I had no objection to hear what they had to ſay, but I declined receiving any Addreſs. When they came to me they repeated nearly the ſubſtance of the Letter which they addreſſed. They ſaid they had great confidence in the influence which I poſſeſſed with Government; and they requeſted me to proceed to Madras to exerciſe that influence in perſon, to promote the intereſts and wiſhes of the Army. I told them plainly that I did not conſider myſelf at liberty to proceed to Madras; and that I certainly ſhould not undertake any office of the nature alluded to: upon hearing this anſwer they bowed and retired.

Lieutenant Colonel Montreſor expreſſed a wiſh that I ſhould ſtill continue in the command of the force, but I replied that from the manner in which I had left my ſtation at Poona it was probable I ſhould ſhortly be ordered back to it; that my remaining in the oſtenſible command of the force could anſwer no uſeful purpoſe, and would only ſubject me to a repetition of Addreſſes or perſonal applications, with none of which would it be poſſible for me to comply; and that therefore I thought it would be more conſiſtent with my own dignity, and with the intentions of Government, to withdraw from the Cantonment and retire to the Reſidency, until I ſhould be honoured with further inſtructions from Government.

(Signed) By CLOSE, Colonel.

Hyderabad Reſidency, 3d Auguſt 1809, at night.

Enclosures, Nos. 32 and 33.

Private and Confidential.

Honourable Sir, Hydrabad, 9th Auguſt 1809.

I DO myſelf the honour to tranſmit to you copies of a Letter addreſſed to Lieutenant Colonel Montreſor, by what is now termed the "Select Committee," and of the Colonel's reply to Major Neale, the ſenior officer of the Company's troops at this ſtation.

This morning Colonel Montreſor called upon me to concert the means of equipping His Majeſty's 33d regiment for movement, in the event of its being required to leave this ſtation. I told the Colonel that if he would furniſh me with a memorandum of the number of elephants, camels, and bullocks, which would be required for the carriage of the camp equipage, arrack, and proviſions of the regiment, I would loſe no time in procuring cattle of the above deſcription from the Miniſters of this Government. I alſo recommended that the ſick and weak men belonging to the regiment ſhould be left under my protection, and the charge of the Reſidency Surgeon.

As we were converſing upon this ſubject the Deputy Adjutant General came in, and ſtated that the ſenior officers of the force were extremely anxious to ſee Colonel Montreſor and myſelf. I immediately ordered my carriage for the purpoſe of going into the Cantonment, but before it could be prepared Major Neale and Major Deacon arrived at the Reſidency, and expreſſed a deſire to ſee Colonel Montreſor and myſelf.

Major Neale ſaid that he had read to the ſenior officers Colonel Montreſor's Letter, which had produced a conſiderable effect upon their minds; that they were ſolicitous to avoid any ſeparation from Colonel Montreſor's command; that the propoſitions originated in the diſtruſt and jealouſy which the Company's troops felt of the 33d regiment, and in the apprehenſion leſt the regiment ſhould take them by ſurpriſe, and be employed to ſeize the European officers of the Native corps; that they would make no movement, or take any ſteps whatever in the Cantonment, if Colonel Montreſor would aſſure them that the 33d regiment ſhould not be employed againſt them here.

Colonel Montreſor replied, that he would give them ſuch an aſſurance, provided the officers would, on their part, pledge themſelves that the Company's Troops would not act againſt His Majeſty's Regiment. To this Major Neale and Major Deacon readily acceded. Colonel Montreſor then told them, that the 33d Regiment might be required to leave Hydrabad, and join ſome other body of His Majeſty's Troops; in this caſe it would become his duty to place himſelf at the head of the regiment, and march according to his inſtructions. It was alſo poſſible that he might receive a reinforcement of troops, which would juſtify him in enforcing obedience to the authority of Government: all this the officers fully admitted.

[No. 2. D.]
Enclosure, Nos. 32 & 33, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Major Neale then requested that the Letter addressed by the "Select Committee" to Colonel Montresor might be recalled, to which proposition the Colonel consented.

Major Neale and Major Deacon afterwards spoke in an earnest manner of their anxiety that some arrangement might be made to prevent the dreadful calamity of an open contest with the Government. That the officers considered themselves irrevocably pledged to support their brother officers at Masulipatam. That they only required a general amnesty, which should provide for the security of all officers who were engaged in the present unhappy cause. That they required no redress of grievances from the Government of India. They would leave their grievances to the decision of the Court of Directors. They only asked for an indemnity for their past acts; and that they would endeavour to merit the confidence and favour of Government by the future propriety of their conduct. That in their present situation, whether they advanced or retreated, they saw destruction either to the Country or themselves. They said, that the officers were anxious to address Lord Minto; and they hoped that Colonel Montresor and myself would not refuse to forward their Address to his Lordship.

We replied, that we would not refuse to transmit such an Address to his Lordship as might be written in respectful and moderate terms; at the same time we could not take it upon ourselves to give the slightest opinion, whether any Address could, in the present state of affairs, be successful. We advised them strongly to acknowledge their guilt, to avow their repentance, and to appeal to nothing but his Lordship's clemency and indulgence.

They shortly afterwards quitted me, and the Colonel returned to the Cantonment; since his return I have received a Letter from him, with an Enclosure, copies of both which Papers I do myself the honour to submit to your notice.

I have the honour to be, &c.
(Signed) THO. SYDENHAM.

Lieut. Colonel Montresor, &c. &c. &c.

Sir,

Our high respect for your character and conduct towards us during the present crisis, induces us to act, in every respect that circumstances will allow, with the utmost delicacy towards you. But after the conduct of Government to the other Native Corps at the Mount, the Presidency, and other places, all doubt must cease as to their intention against us; our personal security therefore, and the security of those under us, compell us to adopt measures of precaution which must interfere with your command, and perhaps occasion much personal uneasiness; we therefore submit to you the propriety of the Honourable Company's troops serving with the Hydrabad Subsidiary Force separating from your command.

The exigency of the times compell us to adopt general regulations and orders that you cannot possibly be allowed to interfere with or to be informed of.

As we intend to encamp close in the vicinity of the Cantonment, we shall be happy to afford any assistance that may be required in furnishing any small guards which the security of the lines may require; any request therefore of this nature, which you shall make, shall be complied with.

Whenever the present unhappy dissentions shall be terminated we shall rejoice and place ourselves again under your command.

We are, &c. &c.
(Signed) "The Select Committee."

Secunderabad, 8th August 1809.

Major Neale, commanding 1st regt. Native Cavalry.

Sir,

I Yesterday received a Letter from several officers, calling themselves the Select Committee, but without any signatures affixed to it; and as I have reason to fear that you are unfortunately a Member of that Committee, I must necessarily address my answer to you as the senior officer of the Honourable Company's service.

I seize, however, an opportunity, which may not again present itself, to say, that although I have had occasion repeatedly to address myself to you, as senior officer, during these dreadful dissentions, I know your influence has been often used to turn the officers from their fatal error.

When the officers of the honourable Company's service assert that they mean to adopt general Regulations and Orders that I am not to be allowed to interfere with, or even to be informed of, and that they intend to encamp without my Orders, it is useful to suggest the propriety of separating from my command; therefore, to avoid all misinterpretation on this point, I do hereby solemnly protest against your proceedings, and against any act of yours that has not my sanction, or the sanction of superior and lawfully constituted authority; and I protest against any movement of the troops, or taking of the public stores, but in conformity to my Orders.

Any act whatever, contrary to the above protest, I can look upon in no other light than as disavowing and ceasing to recognize the authority with which I am invested by Government for the command of this force.

Now that I have thus formally protested against your proceedings, I once more conjure you to reflect upon your conduct. Look into the dangers with which you are about to surround yourselves, and to the depth of guilt your are about to be plunged. Let those who have devoted great part of their lives to the service of their King and Country compare their present misery with their past happiness. Let them reflect that they are on the point of disuniting themselves from their King and Country, which has so nobly and generously supported them,

and

and hitherto been their glory and boaſt. Let the ſenior officers point out to the juniors the life of miſery and guilt in which by a perſeverance in their preſent line of conduct they are likely to be involved. Let them clearly ſee the extent of wretchedneſs before them. If they have parents, if they have friends, tell them they are about to abandon them to grief, and loſe ſight for ever of their mother country.

In ſhort, let no exertion be wanting to ſhew them how they have been deluded by their paſſions, and a falſe point of honour.

(Signed) T. G. MONTRESOR,
Lieutenant Colonel.

Secunderabad, 9th Auguſt 1809.

[No. 2. D.]
Enclosure, Nos. 32 & 33. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Captain Sydenham, Reſident at Hydrabad.

Sir,

WHEN I had the honour of tranſmitting to you laſt night a copy of a Letter from the Committee of officer in this force, announcing their poſitive intention of ſeparating themſelves from my command, I could ſcarcely entertain the moſt diſtant hope that I ſhould be able to ſucceed in my endeavours to draw the officers from the abyſs of ruin in which they were about to throw themſelves. I thought, therefore, that the only chance that remained was, after ſhewing them their danger and guilt in the ſtrongeſt light, to addreſs myſelf to their feelings. I now rejoice in having it in my power to ſay my repreſentations have had the happieſt effect; and I earneſtly hope that Government will ſtill leave open the road for the officers to return from the paths of error into which they have ſtrayed.

To quiet the minds of the officers, and to relieve them from an alarm which might produce fatal effects, I have told them that until I receive a reinforcement of troops, which I truſted their conduct would render unneceſſary, they might be aſſured I could not make a hoſtile attack on them with His Majeſty's 33d Regiment, provided they pledged their word that no conſideration ſhould induce them in any way to uſe force againſt His Majeſty's Regiment. In conſequence of this all mutual diſtruſt is vaniſhed.

I encloſe for your information a copy of my Letter to Major Neale, and his anſwer to me.

I have the honour to be, &c.
(Signed) T. G. MONTRESOR,
Lieutenant Colonel.

Secunderabad, 9th Auguſt 1809.

To Lieutenant Colonel Montreſor, commanding the Hydrabad Subſidiary Force.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of this date, addreſſed to me as ſenior officer of the Company's troops ſerving with this force, on the ſubject of the communication you received yeſterday. I loſt no time in laying it before the ſenior officers of the force, and impreſſing on their minds the neceſſity of a moſt ſerious reflection on its contents. They have authorized me to aſſure you, in the name of the officers of this force, that what principally urged them to a propoſition of the nature, was the apparent jealouſy and diſtruſt which ſerved greatly to irritate the minds both of the King's and Company's troops, which a ſeparation to a ſhort diſtance, it was conſidered, will tend to appeaſe. The aſſurances you have given us this morning have tended to renovate that confidence which before exiſted in a great degree, and to remove the neceſſity of adopting this meaſure. They have in conſequence, Sir, requeſted me to recall the communication which was forwarded to you yeſterday; and that in the event of your having forwarded it to Madras, that you will favour them in taking ſuch ſteps that may tend to remove the impreſſion ſuch a communication may have made.

I have the honour to be, &c.
(Signed) G. NEALE,
Major 1ſt Regiment N. C.

Secunderabad, 9th Auguſt 1809.

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I HAVE the honour to tranſmit you a copy of a letter to me from Lieutenant Colonel Doveton, dated the 6th inſtant.

A report has reached the miniſters of this Government, that the Berar detachment has made one march towards Hyderabad, but I am diſpoſed to believe that the report is premature.

I have received your letter relative to the poſting of bearers, &c. for two Palanqueens from the frontier to Hyderabad, to convey officers of His Majeſty's ſervice to this ſtation. But the reſult of Colonel Cloſe's attempt to carry into execution the orders of Government, and the preſent ſituation of the force, will of courſe render it unneceſſary for the preſent to ſend up any of His Majeſty's officers to act with the Native battalions in theſe territories.

I have the honour to be, &c.
(Signed) THOMAS SYDENHAM, Reſident.

Hydrabad, Auguſt 11th, 1809.

[No. 2. D.]
Enclosure, Nos. 32 & 33, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Captain Thomas Sydenham, Resident at Hydrabad.

Sir,

I HAVE had the honour to receive your Dispatch of the 28th ultimo, and which I lost no time in communicating to the officers of the force under my command.

I am happy to say, that it is likely to be productive of the best effects, shall no unfortunate occurrence in any other part of the Army tend to destroy the impression it has made.

I have the honour to be, &c.

(Signed) J. DOVETON, Lieutenant-Colonel, Commanding Detachment in Berar.

Jaulnah, 6th August 1809.

Fort St. George, 16th August 1809.

Sir,

I AM directed by the honourable the Governor to acknowledge the receipt of your Letter of the 9th instant.

Sir George Barlow has perused with great satisfaction the account of the conversation between you and Lieutenant-Colonel Montresor, with Major Neale and Major Deacon. The Governor anxiously hopes that this first indication of a desire on the part of the officers of the Hydrabad force to return to a sense of their duty, will be shortly followed by that full and unqualified submission to the authority of the Government, which can alone be accepted, and which you so properly recommended to them. You will point out to the officers who proposed forwarding an Address to the Governor General, that the Address must be forwarded to the Governor General in Council at Fort St. George, in the manner prescribed by the Regulations.

I have the honour to be, &c.

Captain Sydenham. (Signed) R. BARCLAY.

[No. 2. D.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Further ENCLOSURES in the General Letter of 10th September 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Ordered, by The House of Commons, *to be printed,*
25th May 1810.

[No. 2.—E.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Further ENCLOSURES in the General Letter of 10th September 1809, from the Governor in Council at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Received per Rattlesnake, 12th March 1810.

No. 34. - - - to - - - No. 40.

Ordered, by The House of Commons, *to be printed, 25th May* 1810.

Enclosure, No. 34.

Fort St. George, 3d August 1809.

G. O.

BY THE HONOURABLE THE GOVERNOR IN COUNCIL.

Par. 1. THE honourable the Governor in Council judges it proper to announce to the Native Troops, that the very improper conduct of some of the European Officers of the Company's service, and the refusal of others to acknowledge their allegiance to the Government, have rendered it indispensably necessary to remove for a time a considerable number of European Officers from the exercise of authority.

Enclosure No. 34. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

2. This measure will not, however, affect in any respect the situation of the Native Troops; who must know that their first duty is to the Government which they serve, and from which all authority is derived.

3. The Governor in Council entertains the same solicitude for the welfare and comfort of the Native Troops, that has invariably been manifested by the British Government.

4. He has no intention whatever of making any changes in their situation; and he expects that the Native Troops will display on every emergency the unshaken fidelity to Government, which constitutes the first duty of a soldier; that they will obey with zeal the orders of the officers whom the Government shall place in authority over them; that they will refuse a belief to all reports calculated to agitate their minds and diminish their confidence in the Government; and that they will not allow themselves to be involved in any respect adverse to their duty and allegiance.

5. The Governor in Council is pleased to express his approbation of the good conduct which has been recently manifested by the Native Troops at the Presidency, in the Camp, at the Mount, at Trichinopoly, and at Vellore; and he is confident that their behaviour will be equally correct and loyal at all other stations of the Army.

By Order of the honourable The GOVERNOR in Council.

[No. 2. E.] Enclosure No. 34. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

PROCLAMATION.

WHEREAS certain European Officers in the ſervice of the Company, who have entertained deſigns repugnant to the firſt obligations of their duty and allegiance, have in ſome inſtances attempted, and in others intended to involve the Native Troops under their command, in the guilt and ruin attending the execution of thoſe deſigns, by inducing them to march from the ſtations allotted to them by the Government, and act againſt the State: The Governor in Council hereby prohibits the movement of any corps or detachment from the ſtation aſſigned to it, without the orders and authority of the officer commanding the diſtrict or diviſion to which the corps belongs; and orders and directs all civil and military officers exerciſing authority under the Government, to conſider all corps moving without orders as in a ſtate of rebellion to the Government, and to offer every practicable obſtruction to their proceedings.

Dated in Fort St. George,
the 9th Auguſt, 1809.

Publiſhed by Order of the honourable The GOVERNOR in Council.

G. O.

BY GOVERNMENT.

Fort St. George, 9th Auguſt 1809.

THE Governor in Council having taken into conſideration the whole of the tranſactions that have occurred in the garriſon of Maſulipatam, and being ſatisfied that the part borne by the Men in thoſe tranſactions is to be entirely imputed to the repreſentations and ſeductions of their European Officers, is pleaſed to proclaim a full Pardon to the European non-commiſſioned Officers and Privates, and to the Native commiſſioned Officers, non-commiſſioned Officers and Privates of the garriſon of Maſulipatam, who were concerned in theſe improper proceedings. The Governor in Council entertains a confident perſuaſion that this act of lenity will produce a proper effect on the minds of thoſe men, and induce them to manifeſt in future the fidelity to the Government, which conſtitutes the firſt duty and higheſt praiſe of every Soldier.

The Governor in Council prohibits the march of any body of troops from the garriſon of Maſulipatam, without the orders of Major General Pater, commanding the northern diviſion; and directs that any troops who may have marched from Maſulipatam without due authority, ſhall return forthwith to that ſtation, on pain of being conſidered to be in a ſtate of rebellion to the Government.

By Order of the honourable the GOVERNOR in Council.

(Signed) A. FALCONAR,
Chief Sec^{y} to Gov^{t}.

(True copies.)

(Signed) A. FALCONAR,
Chief Sec^{y} to Gov^{t}.

Enclosure, No. 35.

[No. 2. E.] Enclosure No. 35. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

My dear Sir, Hyderabad, 6th Auguſt 1809.

YOU will have heard, that Colonel Cloſe was poſitively directed by the officers to quit the vicinity of this place: certain conſiderations, which have been communicated to Sir George Barlow, induced him to comply with that requiſition, and he accordingly left the Reſidency on the evening of the 4th. I attended him to Golcondah, where we remained yeſterday; and this morning he proceeded to Pulluncheroo.

The attempt which was unſucceſsfully made to ſeparate the native troops from their European officers, has of courſe excited the greateſt alarm; and their ſuſpicions of the 33d regiment are ſo great, that on the night of the 4th, on ſome trifling alarm, the whole of the line turned out, and three of the corps beat to arms. Colonel Montreſor immediately diſpatched his ſtaff in different directions to allay the ferment, and happily in a ſhort time the alarm ſubſided. The Colonel has ſince remonſtrated ſtrongly with the commanding officers of corps, and appears to have reſtored ſome degree of confidence amongſt them; but in the preſent diſtracted ſtate of affairs, when the Company's troops are ſo ſuſpicious of the King's regiment, it is difficult to know how long it may be poſſible to avert the diſaſtrous conſequence of a conflict between them.

All

[No. 2. E.]
Enclosure No. 35. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

All ranks of people in the city seem to understand, that there is a violent difference between the Army and the Government. This extraordinary and unprecedented circumstance, has given rise to many conjectures upon the probable result of the present state of affairs. The arrival and sudden departure of Colonel Close, joined to the events of the 3d instant, have excited much surprize.

The Committee continues its deliberations from morning to night, but of course it is impossible to ascertain the immediate designs of the officers; they seem to suspect that a large force is shortly to move against them, or against the garrison of Masulipatam. I imagine, that in the present state of their minds a general amnesty, which would ensure their future safety, would prevail upon them to return to their allegiance to the Government, but as they now see nothing but ruin before them in every direction, they will probably get more and more desperate, and plunge into deeper guilt.

I have the honour to be, &c.
(Signed) THO^{S} SYDENHAM.

Enclosure, No. 36.

The Chief Secretary to Government.

Sir, Trichinopoly, 6th August 1809.

I have the honour to forward to you, for the information of the honourable the Governor, one letter from the officer commanding at Madura, three letters from Lieutenant Colonel Vesey commanding at Pallamcottah, and one from his officers to him.

As a sufficiency of tents for the whole of the troops are not yet completed, and as there does not appear to be any intention on the part of the Disaffected to form a junction, the loss of one or two days will be of little consequence, I shall wait until the tents are completed, in order that the troops may be comfortable; and that there may not be any appearance of hurry, although it would be desirable to have some cavalry officers with the 6th native cavalry. I have notwithstanding such confidence in the troops under my command, that whenever I get within reach of any of the malcontents, I have not a doubt but that I shall soon convince them of the futility of their endeavours to oppose Government.

I have, &c.
(Signed) W. WILKINSON,
Col. Comm^{g} Southern District.

P. S. I shall have with me about two thousand infantry including artillery, three hundred cavalry, two gallopers, two eighteen pounders, two five-&-a-half inch howitzers, and four six-pounders.

Sir,

I have the honour to acknowledge the receipt of your's by express this day. Agreeable to your instructions, I have sent the several papers round to the officers for their signatures; two of the officers, Captain M^{c} Dougal and Captain Purwenter are now absent, the former in command at Caleands, the latter on his inspection. I have ordered them in, and expect them to-morrow, when I will have a meeting of them, and will inform you of the result. I have myself signed the pledge that I have sent round for circulation.

I remain, &c.
(Signed) P. H. VESEY,
Lieut. Col. Comm^{g}
Pallamcottah.

Pallamcottah,
3d August 1809.

Sir,

I have the honour to report to you, that in consequence of my having received official information of my having leave to proceed to Madras, from the honourable the Governor in Council, I have this day made over-charge of this garrison to the next senior officer, and will proceed myself to Madras. I have made over the papers received from you yesterday, the answer of which will be forwarded to you when the other officers come in, which must be to-morrow.

I also forward you a sick certificate, as the state of my health, from repeated attacks of the rheumatism, renders a change absolutely necessary, having had not less than seven attacks within the last four months, which renders it impossible for me to stir without crutches, and even then not without the greatest pain, and I am in this state for more than half my time.

I must now take the liberty of expressing my wish to you, that let the result of the pledge be what it will, that no troops or officers may be sent up to this part; if any are sent, it will most likely occasion the most dreadful consequences, which by allowing things to remain quiet for a short time may be avoided, which must be the sincere wish of every person that has the good of, his country at heart. You, Sir, I hope, will excuse the liberty I now take in mentioning those things to you, but from knowing the situation of things in this part, I conceive it my duty to mention them to you.

I have, &c.
(Signed) P. H. VESEY,
Lieut. Col. Comm^{g}
Pallamcottah.

4th of August.

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I do hereby certify that Lieutenant-Colonel P. H. Vesey, commanding Pallamcottah and Tinnevelly, continues to be subject to attacks of acute rheumatism, rendering a change of climate requisite for his recovery.

Pallamcottah, 4th August 1809.

(Signed) M. CORDINER, Surgeon 6 Regt. Nat. Inf.

Sir,

Just as I was about to leave this garrison, I received the enclosed letter from the officers of the corps, which I conceive it my duty to forward for your information; from the tenor of which you will at once see how useless it is for me to remain here longer, as my authority, I conceive, will be no longer acknowledged.

I have, &c.

Pallamcottah, 4th of August 1809. 5 P. M.

(Signed) P. H. VESEY, Lieut. Colonel.

To Lieut. Col. Vesey, Commanding 2d Battalion 6th Regiment.

Sir, Tinnevelly

Having with extreme surprize and horror learned that you have received orders to summon the native officers of the battalion, and to convey to them propositions on the part of Government, tending to withdraw them from all connection with us, we beg leave to deprecate such a measure with all our power.

We must in justice to them and to ourselves declare, that we do not think it possible that a connection which has been cemented for years, could be thus instantaneously dissolved; we only deprecate the measure as one calculated to sow seeds of distrust and jealousy, the future effects of which it is here unnecessary to dwell upon.

(Signed) J. Dougal, Capt. 2d bat. 6th regt.—M. Cordiner, Surgeon 6th regt.—A. H. Hatherley, Lieut. 2d bat. 6th regt.—T. Kennett, Lieut. 2d bat. 6th regt.—M. Maul, Lieut. 2d bat. 6th regt.—D. Castrul, Lieut. 2d bat. 6th regt.—John Golding, Lieut. 2d bat. 6th regt.—W. R. Thompson, Ensign 2d bat. 6th regt.—N. M^c Leod, Ensign 2d bat. 6th regt.—Alex. Tweedie, Ensign 2d bat. 6th regt.—George Davis, Lieut. 2d bat. 6th regt.

To Colonel Wilkinson, Commanding Southern Division of the Army.

Sir, Trichinopoly.

I have the honour to acknowledge the receipt of some letters and papers sent by your order to me, by the officer commanding Dendigul; and have the honour to assure you, that myself and the undersigned officers of the detachment of the 2d battalion 16th regiment, join most sincerely in the loyalty and attachment expressed in Major M'Donell's letter of the 2d instant, as also in that of the Declaration which was signed by the rest of the officers of the 2d battalion 16th regiment at Dendigul.

(Signed) N. Bowen, Captain 2d bat. 16th regt. commanding detachment—George Jones, Lieut. 2d bat. 16th regt.—J. Hewland, Ensign 2d bat. 16th regt.—W. C. Hasker, Ensign 2d bat. 16th regt.

Madura, 4th Aug. 1809.

To Colonel Wilkinson, Commanding the Southern Division of the Army.

Sir,

The determination which appears to have been adopted by the Company's troops at Hyderabad and Masulipatam, to place themselves in a state of active rebellion to their country, has rendered it necessary that the Government should make the military arrangements necessary for the re-establishment of its authority. It will be requisite for this purpose, that a considerable force should be assembled at the earliest practicable moment in the ceded districts; and it is exceedingly desirable to reinforce the troops in Mysore, in order that the officer commanding in that division may be able to dispatch a part of the force at present under his command to the ceded districts. I am accordingly directed to suggest to you, the great advantage that will be derived to the public service, from your sending to Mysore as great a proportion of His Majesty's 12th regiment as can be spared from the division under your command, consistently with the accomplishment of the objects already prescribed to you. If you should be able to detach any part of the 12th regiment to Mysore, it will be desirable that it should proceed with great expedition, and that Colonel Davis should be apprized of its strength and route.

The state of affairs under this Government renders it exceedingly necessary that the orders of Government of the 26th ultimo, should be carried into effect in all the native corps in the southern part of the division under your command, and in Travancore; and I am directed to request that the same zeal and energy which have hitherto distinguished your proceedings, may continue to be exerted until that important object shall be accomplished.

I am, &c.

Fort St. George, 11th Aug. 1809.

(Signed) A. FALCONAR, Chief Sec^y to Gov^t.

To the Britiſh Envoy at Goa. [No. 2. E.]

Sir,

Events have occurred to render it neceſſary that the European regiment which you have been requeſted to furniſh for the ſervice of the Preſidency, ſhould proceed by the moſt direct route to Bellary in the ceded diſtricts inſtead of the Myſore country; and I am directed by the honourable Governor in Council to deſire that you will make the neceſſary arrangements for the march of the regiment to Bellary, with as much expedition as may be conſiſtent with the health of the men. The officer commanding the regiment ſhould report his progreſs to Major General Croker, commanding in the ceded diſtricts, and obey the inſtructions of that officer. Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The officer commanding in the Myſore has been apprized of the arrangements communicated to you in this diſpatch, and deſired to furniſh every information and aſſiſtance to the corps proceeding from Goa that may be neceſſary to facilitate their progreſs.

I have, &c.

Fort St. George, 11th Aug. 1809. (Signed) A. FALCONAR, Chief Secr to Govt.

Trichinopoly, 7th Auguſt 1809.

To the Chief Secretary to Government.

Sir,

I have the honour to forward to you, for the information of the honourable the Governor, two letters received this morning, one from Dendigul, and the other from Madras. The letter from Major M'Douall, and ſome other letters already forwarded to you, give great reaſon to ſuſpect that there exiſts an intention of reſiſtance to the ſouthward. It is however to be hoped, that when Major M'Douall ſees the commanding attitude I have taken, and it has been fully explained to him the abyſs that he is preparing for himſelf and his adherents, he will reflect ſeriouſly, and prevent the neceſſity of an appeal to the ſword.

Since I have written the above, I have received a letter from the Quarter-maſter General, informing me that it is the orders of his Excellency the Commander in Chief, under the ſanction of Government, that I ſend immediately one of the native battalions from Trichinopoly to Madras, as the advantages derived from a native corps marching to Madras at the preſent time is at beſt remote; and as the appearance of a conſiderable force moving in the ſouthern diviſion muſt make a conſiderable impreſſion in all the ſouthern provinces, and add much to the ſecurity of general tranquillity, as well as the certainty of deſtroying any hopes the diſaffected may have of creating diſturbances, I have thought it beſt, which I hope you will approve of, to detain the whole of the force now with me until I get poſſeſſion of Dendigul, when I will immediately ſend one native corps to Madras. As this is unfortunately the time for paying the troops, I have thought it adviſable to remain here two days longer to ſettle the men's accounts, in order that they may proceed on their march with more cheerfulneſs.

I have, &c.

(Signed) W. WILKINSON, Col. commanding Southern Diviſion.

To the Aſſiſtant Quarter-maſter General of the Southern Diviſion.

Sir,

I have the honour to acknowledge the receipt of your letter, dated 28th ultimo, only this morning. In reply, I have to inform you, that the camp equipage is not yet arrived. I beg you will repreſent to Colonel Wilkinſon, that after the departure of the four companies from the ſtation, there will ſcarcely be a relief for the duties of the garriſon and corps, and conſequently that the duty will fall heavy on the men. I beg alſo that you mention to him, that the corps has not yet received pay, and that there is no money in the caſh cheſt to enable the pay of the four companies to be drawn on receipt; which will of courſe inconvenience their families very much.

(Signed) D. M'DONELL, Major in charge 2d bat. 16th regt. nat. inf commanding Dendigul.

Dendegul, 4 Auguſt 1809.

To the Aſſiſtant Quarter-maſter General, Southern Diviſion of the Army.

Sir,

I have the honour to acquaint you, that 18 private tents arrived here yeſterday, and agreeable to inſtructions received from your office, dated the 26th July, I have indented for carriage; as ſoon as this is complied with, I ſhall immediately forward them on to Dendigul.

(Signed) H. BOWEN, Captain commanding Madura.

Madura, 4th Auguſt 1809.

Colonel Wilkinſon.

Sir,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your letter of the 7th inſtant, and to convey to you his entire approbation of your determi-

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

nation to detain the battalion of native infantry ordered to Madras, until you have effected the objects described in your letter.

You will perceive by my dispatch of yesterday's date, that the Governor in Council had anticipated your determination upon this subject.

The Governor in Council, reposing the most implicit confidence in your zeal, discretion, and judgment, has directed me to request that you will consider yourself vested with full powers to adopt such measures, in concert with the officers commanding in Mysore and Travancore, as you may deem best calculated to meet the exigencies of the moment, to establish the authority of Government, and maintain tranquillity to the southward, and to advance the general objects proposed in the minute which I had the honour to enclose to you yesterday.

I have, &c.
(Signed)

Fort St. George,
12th August 1809.

Bellary, 7th August 1809.

To Lieutenant Colonel Barclay, Military Secretary to the honourable the Governor.

Sir,

The honourable the Governor in Council will be informed by Lieutenant Colonel Bowness's dispatch, dated the 5th instant, addressed to the Chief Secretary of Government, that the orders of the 26th ultimo have been carried into execution at the garrison of Gooty.

On the receipt of Lieut. Col. Bowness's report to this effect, and finding with much regret that the officers of the Company's service at that station had declined to sign the declaration required of them, a Division Order (of which the accompanying is a copy) was published, suspending their military functions, and ordering them to proceed forthwith to the sea coast, and appointing officers of His Majesty's 34th regiment to do duty under Lieutenant Colonel Bowness, with the 1st battalion 25th regiment; at the same time providing for the care of the department of Commissary of Stores of Gooty.

The officers of the artillery 2d battalion 7th regiment, and 1st battalion 9th regiment, will move from their present ground of encampment, and proceed to their destination on Wednesday morning the 9th instant; on the same day the officers lately employed on the Staff (with the exception of Captain Stewart, who waits his permission to go to the Presidency) will commence their march to their chosen place of residence, as reported in my letter of the 5th current.

I have, &c.
(Signed) R^t CROKER,
Major Gen. Commanding.

Head Quarters, Division Bellary, August 6th 1809.

Division Orders by Major General Croker.

In obedience to the orders of Government, dated the 26th July, the under-mentioned officers of the Company's service in the garrison of Gooty are suspended all military functions, in consequence of having declined to sign the declaration required of them.

Artillery, Captain Taylor 2d battalion.

Major Aldridge	1st battalion 25th regiment	Lieut. Cotton,
Captain Beckett		Snowder,
Capt. Lieut. Gummer		Boyes,
Lieut. Oliver		Ensign Bonest,
Lieut. Godby		Thompson,
Lieut. Hinde		Rankin.

Captain Hobkeck, of His Majesty's 34th regiment, will join and do duty with the 1st battalion 25th regiment, and Lieutenant Davis of the same corps, will act as Adjutant to the 1st battalion 25th regiment.

Mr. Conductor Vander Holot will take charge of the department of Commissary of Stores at Gooty.

In obedience to the orders of Government, published at Bellary on the 4th instant, all the officers at Gooty removed from the exercise of their military functions in this Order, are to proceed with all practicable expedition to the sea coast; Lieutenant Colonel Bowness reporting to the head quarters of the division, the name of the place or places which they may choose for their residence within the limits prescribed.

(Signed) H. MACALISTER,
Acting Assist. Adj. commanding Division.

Sir,

Fort St. George, 12th August 1809.

I am directed by the honourable the Governor to acknowledge the receipt of your letter of the 4th instant to his address, and to acquaint you that Major General Gowdie has also communicated to him your letter of the 3d, to the officer commanding the Army in Chief.

The promptitude with which you undertook the command of the Hydrabad subsidiary force, the alacrity with which you prosecuted your journey to that city, and the judgment, zeal, and intrepidity which you displayed in your endeavours to establish your authority over

that

[No. 2. E.]
Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

that force, have entirely juſtified the expectations entertained by Sir George Barlow, when he ſelected you for that arduous office, have merited his higheſt approbation, and his warmeſt thanks.

It is the wiſh of Government to avail itſelf of your talents in conducting the military operations, which may eventually become neceſſary for reducing the Hydrabad force to obedience, or for protecting the dominion of his Highneſs the Nizam againſt internal or external enemies; with that view, Sir George Barlow directs me to ſuggeſt your proceeding towards Gooty, as ſoon as you find yourſelf in a ſituation to admit of your proceeding in that direction with ſafety to your perſon.

Major General Croker has already received orders to put the quota of troops, to be furniſhed from the ceded diſtricts, into the field, and to move thence to Gooty, where you will conſequently be able to remain in ſecurity until joined by the troops from Myſore and the Carnatic.

Major General Croker, with whom you will of courſe communicate, will apprize you of the ſtate of preparation of the troops at Gooty.

I have, &c.
(Signed) R. BARCLAY,
M. S.

Lieutenant Colonel Barclay, Military Secretary, &c

Sir,

I had the honour of addreſſing you on the 2d inſtant, reporting, for the information of the honourable the Governor in Council, the line of conduct I had deemed adviſable to adopt after the receipt of your laſt diſpatch, and it is with a conſiderable degree of ſatisfaction I now acquaint you, that it has hitherto had the beneficial effect of keeping the minds of the Company's troops in a tranquil ſtate, and poſſibly prevented their quitting the ſtations they are now quartered at; the latter point alone I conceive of conſiderable importance, for ſhould the different corps in Malabar and Cunara quit the coaſt (which I have little doubt moſt would have attempted had I promulgated the orders of Government) the numerous civil priſoners at the different Zilla ſtations, amounting to between three and four hundred would have inſtantly emancipated themſelves, and might have been the means of exciting a commotion amongſt the natives, particularly in the ſouthern diviſion of Malabar.

2.—Being in poſſeſſion of information relative to the ſtate tranſactions at Seringapatam, I naturally apprehended the force in Travancore would make ſome unauthorized movement, and ſhould the troops evacuate that country, I imagine it is probable the inhabitants will again reſort to arms, and will no doubt be followed by the Cochin Rajah; in event of any of thoſe occurrences, it will become my duty to defend the paſſes of Malabar, and how I can effect a thing ſo deſirable in every point of view I know not, unleſs the native troops remain on the coaſt.

3.—The honourable the Governor is fully aware of the immenſe extent of coaſt under my authority, and the impracticability of my arriving, with the force at my diſpoſal, at any military ſtation in the province of Cunara, before they could have been apprized of the movement, and which I am perſuaded would have been a ſignal for the deſertion of the coaſt. Theſe are points which I am perſuaded the honourable the Governor will agree with me to be worthy of conſideration, and which I anxiouſly hope will convince him of the motives by which I was actuated in ſuſpending the execution of the orders of Government, till I am favoured with further inſtructions.

4.—I ſhall do myſelf the honour of communicating with you frequently, for the information of the honourable the Governor in Council.

I have, &c.
(Signed) B. FORBES,
Lieutenant Colonel.

Head Quarters at Cannanore,
4th Auguſt 1809.

Trichinopoly, 9th Auguſt 1809.

The Chief Secretary to Government.

Sir,

I have the honour to forward to you herewith, for the information of the honourable the Governor, three letters that I have this day received, two are from the Tinnevilly diſtrict, ſtating, that ſome officers of the 2d battalion of the 6th native infantry, have ſeized on a Government diſpatch, directed to the honourable Lieutenant Colonel Stewart at Quilon. Should this letter be conſidered as concluſive, I could wiſh to know if I am on this firſt opportunity to make the officers priſoners, and when priſoners how they are to be treated, and where ſent to.

The letter addreſſed to the King's officer, I have aſcertained by the envelope addreſſed to me, to be from Pallamcottah. Although theſe and other letters already forwarded, all prove the neceſſity of my immediately moving to the ſouthward, I ſhall not be able to march before the day after to-morrow, in conſequence of the delay in ſettling with the native troops.

I have, &c.
(Signed) W. WILKINSON
Col. commanding Southern Diviſion.

[No. 2. E.]

Enclosure No. 36. in Gen. Lett. Sec. Dep. 29 Sep. 1809.

Tinnevelly district, 4th August 1809.

To Colonel Wilkinson, commanding Southern Division of the Army.

Sir,

I think it proper that you should be made acquainted with the circumstances detailed in the enclosed copy of a letter from the post-office writer at Pallamcottah to me; from which you will perceive that an express from the Military Secretary of the honourable the Governor addressed to Lieutenant Colonel the honourable A. Stewart at Quilon, was yesterday evening opened, read and detained by some officers of the 2d battalion 6th regiment native infantry stationed there.

I have, &c.

(Signed) J. HEPBURN,
Collector.

Copy of a Letter from the Post-office Writer at Pallamcottah, to the Collector of Tinnevelly.

Honourable Sir,

I am sorry to inform your honour, the moment I dispatched the southern express letter to Colonel Stewart from Madras, Lieutenant Tweedie, with his military dress, came and asked me for the said express letter. I answered him, just now forwarded by the runner, who ordered me to send for it immediately; in the meanwhile Captain Townshend, Lieutenant Manly, Lieutenant Hatherly, and other two officers, came and asked for the abovesaid express letter; to whom also I answered, the letter I have dispatched already; they also ordered me to send for the said express immediately; and likewise they have sent Lieutenant de Carlont with his horse to bring the said runner, after I sent a man to fetch the said express letter; the runner brought it accordingly.

The said Lieutenant Tweedie was waiting until the arrival of the said express, and ordered the runner to follow with him to Captain Townsend's house, for which I told him this cannot be sent there without the Collector's permission, who told me that he will send back after shewing the direction to Captain Townsend, and carried the express by the Tappal Peon along with him to the said house; there were all the officers belonging to this battalion; they opened the said express letter by breaking the seal, &c. and kept in their possession after reading it over, and the Peon was directed by Lieutenant Tweedie to go away.

But Colonel Vesey was not in their company; at the same time the said officers sent a note to Colonel Vesey, who, immediately on the receipt of this, sent an express letter to Captain M^c^ Dowall, commanding at Calcand, which I immediately forwarded.

I have the honour to be, with great respect,
Honoured Sir,
Your most obedient humble servant,
(Signed) SOMASUNDRUM,
Post-office Writer.

To the Officer Commanding, and to the Officers of His Majesty's Regiments serving in India.

Gentlemen,

The time is now arrived, when on the decision you are called upon to make depends the fate of the British Empire in Asia. On one side you see a loyal and patriotic Army, the companions often of your toils and of your glory, exhausting every means of patient forbearance under the most goading insults and injuries; on the other hand you are called upon by their oppressor, an arbitrary and self erected despot, to be the instruments not only of their still further degradation, but of their total destruction; you have long seen us endeavouring by every legal means to counteract the base and tyrannical principles on which the present Government is conducted, and you now see that Government recurring to the extreme resort of arbitrary power, in the hopes of crushing for ever the spirit and loyalty of the Army, in order to secure its own impunity. In this abominable project it can only succeed by burying with itself the whole fabric of our Indian Empire.

The Government has endeavoured to deceive you by false representation and false reasonings and fallacious hopes of success, while it trembles for its own existence. Facts however speak for themselves, and we trust it is not unknown to you, that all our legal endeavours to obtain a hearing before our legal superiors have been baffled, and our attempts have only subjected us to new insults; thus driven by the most relentless despotism to the verge of desperation, we have resolved to withdraw our obedience from a traitor, who wishes to involve his country in his own ruin, and we have still hopes that our efforts may be successful in averting the almost impending ruin of our nation in India.

Those officers who have unfortunately fallen victims to the most abominable plot, have afforded a salutary lesson to the rest of the Army.

We have now completely ascertained the deep villainy of our oppressor, and just in time to avoid the gulph which was yawning beneath our feet.

We have the fullest confidence in the loyalty of the native officers and soldiers, and have it now in our power to preserve that loyalty pure from seduction.

The officers of the Bengal and Bombay Armies have sympathized in our sufferings, they have adopted the cause of justice and loyalty, and promised the most active assistance.

Let

Let us not, gentlemen, repent of the confidence we place in your generous ſentiments. Let us not ſuffer the mortification of ſeeing your loyalty and diſcernment ſeduced by the falſe aſſertions, and falſe reaſoning of this enemy of his King and his Country. The ſoldiers of a free country are not formed to be the ſatellites of a deſpot, and we truſt to ſuch a ſtate they will never be reduced.

[No. 2. E.]
Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Colonel Wilkinſon.

Sir,

I have the honour to acknowledge the receipt of your letter of the 9th inſtant, with its encloſures, and to direct that you will, at the earlieſt practicable period, put in cloſe arreſt and ſend to the Preſidency to be tried by a general court-martial, the officers principally concerned in forcibly ſeizing and opening the public diſpatches at Pallamcottah.

The Governor in Council approves of your intention of moving immediately to the ſouthward, and feels a perfect confidence that no exertion on your part will be wanting to reduce the refractory corps in that quarter to obedience.

Should the officers of theſe corps be ſo infatuated, ſo far loſt to all ſenſe of their duty to their King and Country, as to attempt to offer reſiſtance to His Majeſty's or the honourable Company's arms, you will not heſitate to adopt ſuch meaſures as may be neceſſary to reduce them to immediate obedience, and compel them to accept the alternative of ſurrendering at diſcretion, or meeting on the ſpot the fate of rebels and traitors.

I have, &c.

Fort St. George, 14th Auguſt 1809.

(Signed) A. FALCONAR, Chief Sec. to Gov.

The Chief Secretary to Government.

Sir,

I have the honour to acknowledge the receipt of your diſpatch without date, accompanied by one from Lieutenant Colonel Barclay, of the 29th ultimo, at which period Government could not have heard of the tranſactions at Seringapatam, which I conſider as having really taken place, although I have not heard from Lieutenant Colonel Davis on the ſubject. This appears to me an additional motive for adhering to the plan I have adopted, till I am honoured with the final orders of Government; as it may be in my power to afford aſſiſtance to the honourable Lieutenant Colonel Stuart, in event of the inhabitants reſorting again to arms in Travancore, I hope I ſhall be enabled to take the field with five companies of His Majeſty's 80th regiment, native infantry, againſt any internal rebellion in Travancore; but to act againſt any diſaffected part of the Army, I deſpair of any aſſiſtance from the Company's troops.

I entreat the honourable the Governor to believe, that I am ready to act decidedly on any emergency, and that my having ſuſpended the execution of the firſt orders was in the belief that I could carry them into effect with more ſafety, when it is known the part which has been taken by the troops in the garriſon of Fort St. George and at the Mount; and alſo under the full conviction, that nothing ſo injurious to the intereſts of Government can occur (before I am honoured with its final commands) as the deſertion of the coaſt by the native troops, and having great reaſon to apprehend it, as they would find an aſylum in the fort of Seringapatam, and which it would be utterly impoſſible for me to prevent at any ſeaſon, but particularly now when the monſoon is ſo violent.

I have, &c.

Head Quarters at Cannanore, 5th Auguſt 1809.

(Signed) BEN. FORBES, Lieut. Col. Commanding Malabar and Canara.

Trichinopoly, 10th Auguſt 1809.

To the Chief Secretary to Government.

Sir,

I have the honour to forward to you herewith, for the information of the honourable the Governor, ſix papers that I received laſt night from Pallamcottah, two of them are relative to the ſeizing diſpatches, and the four others relative to the ſigning of the pledge.

I ſhall march to-morrow morning to the ſouthward by Dendigul, Madura, and Pallamcottah, and hope ſoon to put an end to the enormities that are now practiſing in Tinnevelly.

I have, &c.

(Signed) W. WILKINSON, Colonel Commanding Southern Diviſion.

(Copy.)

Colonel Wilkinſon, Commanding Southern Diviſion of the Army, &c. &c.

Sir,

I have the honour to tranſmit a liſt and letter from the officers compoſing the garriſon of Pallamcottah, which I hope and earneſtly beg may be accepted of and deemed a ſufficient voucher for their fidelity and conduct, more particularly ſo during the preſent awful criſis and ferment.

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

You may depend upon it, it is as far from the intention or wish of any officer here, to think for an instant of disobeying the just and legal orders of the Madras Government, as it is further to throw off their allegiance to their King, Country and honourable Employers.

I can't however help remarking to you, the very unpleasant situation in which I have been placed by Lieutenant Colonel Vesey's not having carried your orders into execution previously to his departure, that officer having, with the majority of the other officers of the corps, formed a combination against me, I have not had since my court-martial the smallest intercourse with that officer.

I could therefore only in my public capacity (being prevented from the above circumstance from exerting private influence) recommend moderation to the officers, and strongly urged and inculcated the propriety and necessity of obeying all the just and legal orders of the Government.

This, I trust, has been in a very great degree, if not entirely, effected, and upon the latter supposition, by way of shewing an example, I concurred with the services in affixing my name to the enclosed list.

Various reports are now in circulation, tending in a very great degree to augment the present ferment, and taking all circumstances into consideration, I could wish to flatter myself that my conduct may meet with your approbation, as there can be no doubt but that the most effectual method to temporize is by adopting a pacific and moderate line of conduct, especially so in times wearing so awful an aspect.

God grant this may be the resolution and intention of all parties.

(Signed) J. McDOUGALL,
Capt. Com. Tinnevelly, and
Pallamcottah.

Pallamcottah,
7th August 1809.

We the undersigned officers of the honourable Company's service, serving in the garrison of Pallamcottah, do most solemnly declare upon our words of honour, as British officers, that we are animated by sentiments of the utmost attachment and purest loyalty to our King and Country, and that we are ready and willing to support, at the expence of our lives, the interest of our honourable Employers.

(Signed) J. M'Dougall, Capt. 2d bat. 6th regt. N. I. commanding Tinnevelly district and Pallamcottah—H. Townsend, Capt. 2d bat. 6th regt. N. I.—R. Parmintar, Capt. 2d bat. 6th regt.—M. Cordiner, Surgeon 2d bat. 6th regt.—N. H. Hatherly, Lieut. 2d bat. 6th regt. N. I.—W. R. Thompson, Ensign 2d bat. 6th regt. N. I.—Tho. Noble, Ensign 2d bat. 6th regt. N. I.—N. Macleod, 2d bat. 6th regt. N. I.—John Golding, Lieut. 2d. bat. 6th regt. N. I.—A. Tweedie, Ensign 2d. bat. 6th regt. N. I.

We, the undersigned officers of the honourable Company's service, serving in the garrison of Pallamcottah, do most solemnly declare upon our words of honour as British officers, that we are animated by sentiments of the utmost attachment and purest loyalty to our King and Country, and that we are ready and willing to support at the expence of our lives the interests of our honourable Employers, to whom we confidently look up for redress of those grievances under which the Army have so long groaned.

(Signed) S. Rennoth, Lieut. 2d. bat. 6th reg. nat. inf.—C. D. Cartent, Lieut. 2d. bat. 6th reg. nat. inf.—A. Moule, 6th reg. nat. inf.—J. Golding, Lieut. 6th reg.—G. Lewis, Lieut. 2d. bat. 6th reg.—W. R. Thomson, Ensign 2d. bat. 6th reg.—N. H. Hatherly, Lieut.—A. Tweedie, Ensign 2d. bat. 6th reg.—N. Macleod, Ensign.

To Colonel Wilkinson, Commanding the Southern Division of the Army.

Sir,

We have the honour to enclose to you a test which we have this day signed, and we trust that no exception will be taken to it. It comprehends, in our judgment, the strongest pledge of our obedience to Government; we cannot commit ourselves to obey indiscriminately all orders which proceed from any source injurious to the native Legislature. This principle has been admitted by the right honourable the Governor General in Council, in his letter to the Governor in Council of Fort St. George, dated 27th May 1809, vide paragraph 72.

We feel it also our duty to state candidly, that no consideration can induce us to withdraw the representation already submitted to the supreme authorities, of the grievances we have long laboured under.

We have the honour to be, Sir,
Your most obedient servants,

(Signed) J. M'Dougall, Captain 2d bat. 6th reg.—H. Townsend, Capt. 2d bat. 6th reg.—R. Pamintar, Capt. 2d bat. 5th reg. nat. inf.—M. Cordiner, Surgeon 2d bat. 5th reg. nat. inf.—N. H. Hatherly, Lieut. 2d bat. 5th reg. nat. inf.—J. Kennett, Lieut. 2d bat. 6th reg. nat. inf.—C. D. Cartent, Lieut. 2d bat. 6th reg.—A. Maule, Lieut. 2d bat. 6th reg. nat. inf.—J. Golding, Lieut. 2d bat. 6th reg. nat. inf.—George Lewis, Lieut. 2d bat. 6th reg. nat. inf.—W. R. Thompson, Ensign 2d bat. 6th reg. nat. inf.—T. Noble, Ensign 2d bat. 6th reg.—N. Macleod, Ensign 2d bat. 6th reg.—Alexander Tweedie, Ensign 2d bat. 6th reg.

Sir,

[No. 2. E.]
Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir, Tinnevelly Diſtricts, 5th Auguſt 1809.

I had the honour of informing you yeſterday, that on the 3d inſtant certain officers of the 2d battalion 6th regiment native infantry, ſtationed at Pallamcottah, had ſeized, read and finally ſuppreſſed an expreſs from the Military Secretary of the honourable the Governor of Madras, addreſſed to Lieut. Colonel the honourable P. Stuart, of Quilon.

I have ſince received intimation that an expreſs from you, addreſſed to Lieut. Colonel the honourable P. Stuart, had yeſterday been ſtopped, read and detained by the ſame perſons, who alſo ſeized and ſuppreſſed all the public letters in the Tappal which left Madras on the 29th ultimo, a liſt of which you will find in the encloſed copy of the Poſt-office Writer's report to me of the circumſtances.

I have, &c. &c.
(Signed) J. HEPBURN,
Collector.

To Colonel Wilkinſon, &c. &c. Trichinipoly.

Honourable Sir,

The regular Tappal of the Madras, dated the 29th ultimo, arrived here juſt now; at the time of opening the packets, Lieutenant Maule came on horſeback to this office, and took all the ſervice letters belonging to Quilon and this garriſon, as follows:

One letter ſervice from Madras, to the officer commanding, or ſenior officer in charge of 1ſt bat. 13th regiment, Quilon.
One D° D° from D° to the officer commanding, or ſenior officer in charge 1ſt bat. 2d native regiment, Quilon.
One D° D° from D° to Lieutenant Thomas Arthur, of Engineers, Quilon.
One D° D° from D° to the officer commanding, or ſenior officer in charge 2d bat. 9th native regiment, Quilon.
One D° D° from D° to Captain Balmain, Brigade Major to the troops in Travancore, Quilon.
One D° D° from D° to Captain W. M. Robertſon, late Commiſſary of Proviſions at Travancore, Quilon.
One letter ſervice from Captain W. Clepham, Travancore.
One D° D° from D° to James Hepburn, Eſq. Collector of Tinnevelly, and carried to Captain Townſend's houſe, and returning the ſame by the Tappal.

Likewiſe an expreſs letter arrived from Trichinopoly, from Colonel Wilkinſon, dated the 2d inſtant, to Colonel Stuart at Quilon. When almoſt ſetting out to carry the ſaid expreſs to ſouth, Lieutenant Tweedie came with his military dreſs, accompanying a ſepoy, and aſked me where is the expreſs that came now? which I ſhewed him, and ordered me to give it to the Tappal Peon, and carried along with him to Captain Townſend's houſe, and opened the letter, and ordered the Tappal Peon to go away.

Pallamcottah, 4th Auguſt 1809, at 7 o'clock A. M.

I have, &c.
(Signed) SOMASUNDRUM,
Poſt-office Writer.

True Copy.
(Signed) J. HEPBURN, Collector.

To Alexander Falconar, Eſq. Chief Secretary to Government, &c. &c. &c.

Sir,

I have the honour to acknowledge your letter of the 1ſt inſtant, directing me to prepare my diſpoſable force for movement; I have accordingly made, or rather commenced, every preparation.

I have this day received a letter from the honourable Lieutenant Colonel Stuart, dated Quilon, 4th Auguſt, in which he ſends me a copy of a declaration which was ſigned by fifty-two officers on the 3d; I ſhall to-morrow propoſe the preſcribed one, and if that fails, one of the ſame tenor as that from Quilon, and have the honour of addreſſing you in the afternoon.

I have for ſome days paſt been giving orders for cattle, ſheep, &c. to be kept in readineſs, and ſent out of the way of any unauthorized movement, ſo that I hope to move ſpeedily after I receive orders. In the moſt favourable event, I could not take more than three hundred firelocks from the 8th, but they would be fit for any work however hard, and at the ſame time leave eighty good men in garriſon, beſides the worn-out and the ſick, unleſs the two companies from Seringapatam join us, and of the natives the flank companies of the 5th and 22d, with eight companies of the 12th.

Previous to my letter to Mr. Warden, of which No. 1. is a copy, I had written to him privately nearly to the ſame effect, and to Lieutenant Colonel Stuart on the 5th inſtant.

I have, &c.
Cannanore, 8th Auguſt 1809.
(Signed) B. FORBES, Lieut. Col.
Commanding in Malabar and Canara.

P. S. I think it right to add, that my reaſon for not poſtponing the tender of declaration of fidelity, is the neceſſity of aſcertaining the diſpoſable force as nearly as may be.

(Signed) B. FORBES, Lieut. Col.

[No. 2. E.]
Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To Thomas Warden, Esq. Chief Collector, &c. &c. &c.

Sir,

It appears to me that it may be in your power to provide a considerable number of Penang rice boats in order to bring off the 19th regiment, should the native troops evacuate the country; hazardous as the attempt will be at this season it must be made, should occurrences unhappily render it necessary; before I could possibly get near them by land, allowing I could march with 1,500 men, which would be the utmost, my assistance would be too late.

Pecuniary rewards to any extent must be held out to the boat-men should their services be required, if you think it practicable. I strongly urge it also, that sheep, rice, wood, and water should be put in them.

I have, &c.
(Signed) B. FORBES,
Lieutenant Colonel Commanding.

Cannanore,
7th August 1809.

Sir,

Fort St. George, 16th August 1809.

I am directed by the honourable the Governor, to transmit to you the enclosed copy of a General Order by Government, placing the officer commanding the troops in Travancore and Cochin under your orders; and also copies of letters from and to Lieutenant Colonel Stuart, for your information on the state of affairs in Travancore.

Among those papers you will observe a copy of a declaration which has been offered by the officers in Travancore, but nothing less than an unqualified signature to the declaration prescribed by Government can be accepted.

A copy of the General Order alluded to in the first paragraph, has been forwarded direct by the post to Lieutenant Colonel Stuart, and I enclose another copy, which Sir George Barlow requests you will forward to him by any other mode of conveyance that may appear to you to be safe.

I have the honour to be, &c. &c.
(Signed) R. BARCLAY,
Military Secretary.

Colonel Wilkinson,
&c. &c. &c.

Fort St. George, 16th August 1809.

General Order by Government.

The honourable the Governor in Council is pleased to direct, that the officer commanding the troops in Travancore and Cochin shall consider himself under the orders of the officer commanding the southern division of the Army, in the same manner as the officer commanding in the province of Malabar and Canara is subject to the order of the officer commanding in Mysore.

By order of the honourable the Governor in Council.
(Signed) A. FALCONAR,
Chief Secretary to Government.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

According to my letter of yesterday, I now do myself the honour of addressing you, for the information of the honourable the Governor in Council, that I this day assembled the officers of the artillery, 2d battalion 12th regiment, and staff, stationed at this place, and after reading to them the various documents furnished to me by Government, and commenting upon them as I saw occasion; I proposed the declaration of fidelity for their signatures, upon which they required permission to retire for a few minutes; in a very short time Major Vernon returned, informing me, that they generally had so far committed themselves with some of their brother officers who had taken violent measures, that they could not consent to act against them; but that they had not the least objection to sign the tendered declaration if they might add to it the proviso, so that the Government would not send them against their brother officers; of this declaration I accepted, until the honourable the Governor's sentiments should be made known, and shall forward it to the north and south of this, and command it to be signed by the officers of the other two battalions. Previous to the breaking up of the assembly, I addressed Major Vernon commanding the 2d battalion 12th regiment, Captain Simond commanding the artillery and the staff, saying, that I concluded the declaration which they had signed was fully intended that no movement of theirs or of their corps, or any unauthorized proceeding of any nature would ever be resorted to; this they answered, certainly it does.

Now, Sir, I beg leave to state my opinion, that when this is known to the infatuated officers in Seringapatam and others, if there be any so misled, it will oppose them, as they cannot hope for any assistance or co-operation; and one inducement for my accepting it until the honourable the Governor's pleasure be known, is my belief that he did not intend to oppose the sepoys to each other, but either by reason or the force of His Majesty's troops to bring them to obedience.

The battalions on the coast and the country will now in all probability remain in perfect tranquillity, and I can move the force which I yesterday stated to the relief of the 19th regiment of foot at Quilon, or to any other service that does not lead it against the dissatisfied officers.

I shall

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I ſhall by this poſt report to Lieutenant Colonel Davis, Colonel Wilkinſon, and the honourable Lieutenant Colonel Stuart, I felt reluctance in propoſing the Quilon declaration as a ground work, becauſe although I think, at the leaſt poſſible reſult to be expected from a propoſal made by a comparative weak body to a ſtrong one, yet there appears to me a poſſibility of quibbling and miſapplying the paſſage of Lord Minto's letter to Sir George Barlow, which might afterwards be of bad conſequence. Perhaps I am wrong in viewing it thus, and I ſincerely hope ſo. The declaration of the officers is plain verbatim the Governor's, with the addition of the province, which admits not of any miſconception.

I ſhall not take any ſteps in conſequence of what I may hear in the mean time from Government, until I have an anſwer to this. If an order ſhould arrive for movements I will march, but ſhould it be for Seringapatam, I will not order the 12th native infantry or any other ſepoys, but leave what I conceive a ſufficient garriſon.

I declare my belief that my having deferred carrying the orders of the honourable the Governor into execution has been attended with good effect, for moſt certainly had the declaration been abruptly propoſed, I muſt have forwarded a guard of the 80th regiment over the 12th native infantry, and precluded a poſſibility of reconciliation. I ſhould have been prevented moving from this ſtation, and the other corps would, in all probability, have gone up the country.

I make a ſeparate letter concerning Mr. Evans, Acting Conductor of Ordnance here, whoſe conduct is deſerving of great praiſe.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) BEN. FORBES,
Lieut. Col. Commanding
Malabar and Canara.

Head Quarters at Cananore,
9th Auguſt 1809.

We the underſigned officers of the honourable Company's ſervice, do, in the moſt ſolemn manner, declare upon our words of honour as Britiſh officers, that we will obey the orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commiſſions which we hold from that Government, provided the Governor in Council aſſures us that we ſhall not be led againſt our brother officers.

(Signed) J. M. Vernon, Major, 2d bat. 12th regt.—James Lemond, Capt. Artillery—G. Waugh, Capt.—Edw. W. Snow, Brigade Major—Wm. Ravenſhaw, Lieut. Enſ^n—T. Green, Lieut. 2d bat. 12th regt.—Chas. T. Smith, Lieut. 2d bat. 12th regt.—R. T. Fabois, Lieut. 2d bat. 12th regt.—J. Kitſon, Lieutenant, J. Scott, Lieutenant, G. Roberts, Lieutenant, J. Jameſon, Enſign 2d bat. 12th regt.—T. Hathaway, Enſign 2d bat. 12th regt.—W. T. Jackſon, Enſign 2d bat. 12th regt.—Sam^l MacDowal, 2d. bat. 12th regt.—R. Richardſon, Aſſiſtant Surgeon 2d bat. 12th regt.—W. J. Brett, Lieut. Artillery—Jas. Smith, Lieut. 2d bat. 12th regt.

(A true Copy.)

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

To Lieutenant Colonel Forbes, Commanding Malabar and Canara.

Sir,

I am directed by the honourable the Governor in Council, to acknowledge the receipt of your letter of the 9th inſtant, and to expreſs to you his extreme concern at your having omitted to comply with repeated orders of Government, communicated to you in my letter of the 26th ultimo.

I am now directed again to ſtate to you the poſitive commands of the Governor in Council, that, upon the receipt of this letter, you will inſtantly proceed to carry into full effect the orders communicated to you on the 26th ultimo, and to obtain from the Company's officers under your command, an unqualified ſignature to the declaration preſcribed in thoſe orders, and that in the event of their refuſing to affix their ſignature to the ſaid declaration, you will inſtantly remove them from the exerciſe of all military functions.

I have, &c.
(Signed) A. FALCONAR,
Chief Sec. to Gov.

Fort St. George,
18th Auguſt 1809.

Bellary, 13th Auguſt 1809.

To Lieut. Col. R. Barclay, Military Secretary to the honourable the Governor.

Sir,

I have the honour to report, for the information of the honourable the Governor, that the officers of the 1ſt battalion 25th regiment, who have been ſuſpended the exerciſe of their military functions, have choſen Sadras as their place of reſidence, and are proceeding thence; Captain Taylor of Artillery and Commiſſary of Stores at Gooty, has fixed on Pondicherry, where he wiſhes to reſide, and is now on his way to that ſtation.

All the officers (Captain Stewart excepted, to whom I have given permiſſion to remain here until he obtains his leave to go to the Preſidency) from this ſtation have proceeded on their route to the appointed place of their deſtination, and I have the ſatisfaction of informing you, that duty and buſineſs proceeds in their uſual courſe of confidence and regularity.

[No. 2. E.]
Enclosuure No. 36. in Gen. Lett. Sec. Dep. 20 Sep. 1809.

The native corps are perfectly content and satisfied under the officers appointed to their charge, and by a continuance of the system adopted, the active attention and necessary mildness of treatment recommended to these officers, together with their own zeal and ready desire to meet the present exigency of the public service, these two battalions will not, I trust, suffer any diminution of discipline, whilst nothing is left undone towards maintaining their natural, and, I believe, not to be shaken fidelity to the Government.

Every thing proceeds in the like regular manner at Gooty; my dispatch of the 3d instant will inform you of my inability on account of the want of officers (should they be required) to carry the orders of the 26th of July into effect in the 1st battalion 22d regiment at Cumboum. The other parts of the division under my command, I can however report as being perfectly settled.

The copy of the corrected list of officers this day forwarded to the Adjutant General's office, who have signed the declaration of allegiance, accompanies this.

I have, &c. &c.
(Signed) R. CROKER,
M. G. Commanding.

Corrected list of officers at the stations of Bellary and Gooty, who have signed the declaration of allegiance.

BELLARY.

Major General Croker, commanding ceded Districts.
Capt. Lieut. Fotheringham, Engineer.
Lieut. Torriano, D. Barrack-master.
Mr. Duncan, Superintending Surgeon.
Mr. Peyton, Garrison Surgeon.
Lieut. Col. Sir D. Ogilvy, 1st Bat. 9th Reg. Nat. Inf.
Captain M. C. Campbell, Assistant Adjutant General.
Captain J. Stewart, Assistant Quarter-master General.
Captain J. Campbell, Deputy Judge Advocate.

N. B. The signatures of these three staff officers not being given in an unqualified manner, they have been suspended the exercise of their military functions, until the pleasure of the honourable the Governor in Council is known.

GOOTY.

Lieut. Col. Bownes, 1st Bat. 25th Reg. Nat. Inf.

(Signed) R. CROKER,
M. G. Commanding.

To Alexander Falconar, Esq. Chief Secretary, &c. &c. &c.

Sir,

Previous to the assembling the officers, as detailed in my letter of yesterday, being under much apprehension about the artillery men in this garrison, who all belong to the battalion at Seringapatam, I sent for Acting Conductor Evans, and questioned him as to his knowledge what was going on there and elsewhere, which he seemed to be well aware of, and to regret; he is an excellent man, a good soldier, and worthy of promotion.

The moment that I asked him if he did not consider himself bound to his Government, and obey its orders in preference to any given to him by officers immediately over him; he declared that he looked with respect to his officers, but not such as could interfere with his obedience to Government, whose orders he would obey, though in opposition to theirs, whilst he had life; to this effect I administered an oath to him, which he most cheerfully took. At this moment, I did not know but his personal service and influence upon the men might be of the utmost consequence; I therefore declared him to be a Conductor, and that I was sure the honourable the Governor would confirm him.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) BEN. FORBES,
Lieut. Colonel.

Cannanore,
11th August 1809.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

I had the honour of addressing you on the day before yesterday, forwarding a copy of the declaration signed by the officers of the artillery, staff, and 2d battalion 12th regiment, stationed here, and also on the 10th instant a duplicate of the same. Yesterday the head-quarters of the 2d battalion 22d regiment signed it.

I hoped all would have remained quiet until I should receive the honourable the Governor's sentiments upon the subject. I beg leave to refer you to the accompanying copies of my letters of this date to Colonel Wilkinson and to Lieutenant Colonel Stuart for an account of what has since occurred. Major Vernon told me the officers wish to recede; that I hope my recommendation will be attended to, if not I will carry the original order of suspension into immediate execution. I think there are or were only three or four officers who would have unconditionally

unconditionally ſigned the declaration, that even thoſe I ſuſpect would have joined the reſt, upon hearing the account from Trichinopoly; ſo violent is the ferment. [No. 2. E.]

I have the honour to be, Sir,

Your moſt obedient ſervant,

Head-quarters at Cananore,
11th Auguſt 1809.

(Signed) B. FORBES,
Lieut. Col.

Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

P. S. I have the honour to tranſmit a copy of a letter addreſſed by me to officers commanding corps, and truſt it will meet the approbation of the honourable the Governor.

Circular.

To Major Vernon, Commanding 2d Battalion 12th Regiment.

Sir,

As there are various reports in circulation calculated to irritate the minds of the honourable Company's officers, the truth of which I have knowledge of.

I requeſt of you to aſſemble thoſe of your corps to-morrow morning, and to impreſs upon their minds the conviction I have; the Government, ſo far from wiſhing to inflate their feelings, is anxious to do every thing conſiſtent with its dignity, in which is involved the honour and happineſs of every Britiſh ſubject, to conciliate and ſatisfy officers who have ſo fully avowed their allegiance, guaranteed by their honour as Britiſh officers; point out to them the propriety of calm and moderate meaſures, and of reſpectful repreſentation through me to Government, of any circumſtance which may have given them uneaſineſs, and harmony will be fully reſtored.

I have the honour to be, Sir,

Your moſt obedient ſervant,

Cannanore,
11th Auguſt, 1809.

(Signed) B. FORBES,
Lieut. Col. Commanding.

To Colonel Wilkinſon, Commanding Southern Diviſion, &c. &c. &c.

Sir,

I had the honour of addreſſing you on the day before yeſterday, giving a ſhort account of the proceedings here, and the copy of the declaration which the Company's officers here had ſigned, and which was yeſterday ſigned by the officers at the head quarters of the 22d regiment native infantry. I alſo yeſterday ſent an extract of my letter to Government, which accompanied the declaration for your information.

I had every reaſon to hope that thoſe provinces would have remained in perfect tranquillity, provided the honourable the Governor ſhould be pleaſed to accept the declaration, which I think would have induced others to follow the example, but unfortunately a letter has arrived here, giving an account of the mode in which the orders were carried into execution at Trichinopoly by you, which has excited a ſenſation in the minds of the Company's officers, that may have the moſt ſerious conſequences. I merely tell you, Sir, what I am informed of, without preſuming to ſay more. The letter ſtates that you had, previous to aſſembling the officers, concealed a body of men at your quarters; as ſoon as the officers had declined ſigning the declaration, you made them priſoners and marched them to your barrack guard, and afterwards to Tanjore, and that it was given out, that any attempt to reſcue them would be attended by their immediate deaths. In reply to Major Vernon, who informed me of this, I told him that ſuch proceeding was not in my orders, and that there might be a miſtatement or exaggeration, and that inſtead of his officers recalling their declaration of fidelity I recommended to them to be calm, and to wait until more was known, and then if they entertained the ſame ideas as at preſent, inſtead of attempting to correct their recent declaration, I earneſtly recommended that they might remain ſtedfaſt to it, and addreſs the Government upon that ſubject only. Major Vernon is as determined as any of the others, but ſtill calm, and will, I believe, endeavour to impreſs upon the minds of the officers the propriety of the line of conduct which I have pointed out. I told him that I would write to you, and that if you permitted me to make any explanation on the ſubject, I would do ſo. I therefore beg of you, Sir, to furniſh me with any which you may deem proper.

Another letter has reached this from Cochin, giving an account of the proceedings in Travancore, directly at variance with what I had the honour of receiving from the honourable Lieutenant Colonel Stuart; inſtead of the officers at Quilon having ſigned the loyal addreſs, it is aſſerted, that they had ſeized the ordnance and treaſure, &c.; it is ſaid to be of later date than Lieutenant Colonel Stuart's to me, but ſtill I conceive it to be erroneous, as no gentlemen would have receded from ſo ſolemn a pledge without what they might think freſh cauſe; and if what I have ſtated, or any other had been received and ſo acted upon, I think an expreſs from Lieutenant Colonel Stuart would have reached me before this.

All the gun bullocks at the depôt, about thirty miles from Seringapatam, have been delivered into that fort, and much treaſure ſeized; this is private intelligence, for I fancy that Lieutenant Colonel Davis's indiſpoſition has prevented his giving me official accounts. Whatever force events may enable me to move with, I cannot take a gun, as there is not a bullock to be procured in the provinces excepting for carriages; of them there is plenty, though bad.

Cannanore,
11th Auguſt 1809.

(Signed) B. FORBES, Lieut. Col.
Commanding Malabar and Canara.

To the Chief Secretary to Government.

[No. 2. E.]
Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir,

I have the honour to communicate to you, for the information of the honourable the Governor, that I shall not be able to proceed on the march until to-morrow. The whole of the rice (84 bullocks loads) that arrived here yesterday from Trichinopoly, with the exception of 25 loads, having been served out to the troops last night. It was with much labour and difficulty that a sufficiency of rice was procured yesterday from the neighbouring villages, for the followers of the camp; I therefore cannot risk going forward without a sufficiency of rice for the support of troops. If the two hundred loads of rice promised in Mr. Wetherell's note does not arrive to-day, I am afraid I shall not even be able to proceed to-morrow.

From the great impatience of the troops to receive their provisions, many of whom had been fasting the whole of the day, yesterday I found it necessary to appoint an officer who understood the language of the country, to attend to the issue of it. Captain Grant, 24th native infantry, was so good as to undertake the office, and in consequence of his activity and attention, the whole were served with provisions without any altercation or dispute amongst them. As it appears to me that an active and intelligent officer will be useful, if not necessary, upon the present occasion, to superintend the receipt and delivery of rice and provisions, I beg leave to recommend to the honourable the Governor, that Captain Grant may be appointed Commissary of rice and provisions. I have sent herewith two notes that I have received from Mr. Wetherell since the march of the detachment, and a copy of his reply to my order previous to the march, for twenty days provisions for the troops and followers, which, upon considering that such a large quantity might be unnecessary and expensive to Government, I reduced to ten days. I have likewise the pleasure of forwarding a letter I received this morning from the native officers of the 2d battalion of the 16th native infantry at Dindigul, as well as a letter received by the Assistant Adjutant General from Major M'Donall, commanding at Dindigul.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) W. WILKINSON,
Colonel Commanding Southern Division.

Manaffar,
14th August 1809.

I have written to Lieutenant Colonel Picton to take the advice of Mr. Strange, if some person, that can be confided in, may not be employed as Paymaster instead of Mr. Wetherall.

To Colonel Wilkinson, commanding the Southern Division of the Army.

Sir,

In reply to the letter which the Assistant Adjutant General addressed to me yesterday by your direction, I beg leave to acquaint you, that every exertion in my power was made to have a supply of provisions for ten days in camp, previous to the march of the force under your command, but owing to the very large number of bullocks required upon indent for the various departments, the bullock maistries were unable to furnish a sufficient number of cattle to convey the supply, which has been in readiness ever since you gave directions upon the subject. The freshes in the river have materially contributed to the disappointment, which has been unavoidable on my part; every nerve however has been strained to dispatch the provisions, and I trust there will be sufficient to-morrow to enable you to move immediately.

The maistries have grossly deceived me in their promises, and my head servant is so sick he cannot move, which has been the cause of the inconvenience complained of. I am sorry for it, but the cause of their failure cannot be imputed to me.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) C. WETHERALL,
Paymaster.

Trichinopoly,
12th August 1809.

My dear Jackson,

Dindigul, 9th August 1809.

Finding that the Tappals are not so regular or expeditious as usual, I am induced to send you this by a Cooley, who promises to deliver it to you to-morrow by 12 o'clock, and I request you will send me an answer by the same man, or another if he should get lame on the road.

I have been for the last two days anxiously expecting Colonel Wilkinson's reply to my letter of the 3d instant, which he must have received on the 5th, as it went express.

I beg leave to assure the Colonel, that I and the officers here are ready to obey his orders to proceed to Trichinopoly, Negapatam, or any other station he may point out or nominate, should he not be satisfied with the pledge we have required. The transactions of the 30th and 31st ultimo at Trichinopoly, are so publicly known at this place, that I have deemed it right to tell the native officers all I know on the subject, and to prepare them to expect that similar measures will be adopted here, and in that case to exhort them earnestly to obey such officers as might be placed over them, the same as they had ever obeyed myself. I have every reason to believe that my admonitions will have the good effect I wish, and that the 2d of the 16th will never tarnish the great reputation it has acquired by any act of violence or irregularity.

You

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

You will therefore, my dear Jackſon, communicate the ſubject of this letter to Colonel Wilkinſon in any way you think proper, and aſſure him, that an order or letter addreſſed to me will be quite ſufficient to effect his wiſh, that coercion can only be neceſſary where reſiſtance is intended; that I never had an idea of diſobeying his authority, and that I am ready, if he wiſhes it, to deliver charge of the corps to any officer he may appoint. The four companies will march the moment the tents arrive, or if the Colonel wiſhes i'll order them to proceed to Trichinopoly without their camp equipage, after the departure of theſe companies, there will not be relief for the garriſon and regimental guards at this place. Being really in a wretched ſtate of health, I requeſt you will exert yourſelf to get Colonel Wilkinſon to accede to my requeſt to proceed to Ramnad, as being the neareſt part of the coaſt. With beſt reſpects to Mrs. Jackſon, and believe me,

Very ſincerely your's,
(Signed) DONALD M'DONELL.

10th Auguſt.

Thinking that yeſterday's Tappal might bring me an order or letter from Trichinopoly, I have delayed ſending this till now. Do, my good fellow, let me hear from you immediately.—I expect your anſwer to the 12th. (Signed) D. M'DONELL.

My dear Sir,

Although I addreſſed you officially the moment I received the letter which you directed the Aſſiſtant Adjutant General to write to me, I cannot help again expreſſing to you how much I feel concerned at the diſappointment which I have, by a failure in my promiſe to you, occaſioned. Owing to my head ſervant being laid up by extreme ſickneſs, I was obliged to employ another to procure ſupplies, who has groſsly impoſed upon me in the information he gave me with regard to the proviſions; not having at the time any reaſon to doubt his aſſurances, I accordingly informed you what this fellow had told me, with the exception of two hundred bullocks load of rice, which I hope I ſhall be able to diſpatch to-morrow. Proviſions for the Europeans, Sepoys and Followers have been completed and ſent off to day, to laſt the detachment until the 18th incluſive, which, I truſt, with the aſſiſtance that the Collector of Madura and Dindigul will be able to afford, will enable you to proceed without any further difficulties on the ſcore of ſupplies. That any delay or inconvenience ſhould have been occaſioned by the neglect of the ſervants of my department, I feel truly ſorry and mortified at, but in future I ſhall guard againſt a ſimilar occurrence.

Your's truly,
12th Auguſt, at 2 o'clock, P. M. (Signed) C. WETHERALL.

To Colonel Wilkinſon, Commanding Southern Diviſion of the Army.

Sir,

I have the honour to acquaint you, that ſupplies for 1,500 Europeans, 1,400 Sepoys, and 2,063 Followers for twenty days, will be in readineſs in camp by to-morrow 12 o'clock, and likewiſe that four private tents will be ready to-morrow. The remainder ſhall be furniſhed with all poſſible expedition.

I have the honour to be, Sir,
Your moſt obedient ſervant,
Trichinopoly, 8th Auguſt 1809. (Signed) C. WETHERALL.

Tranſlation of a Letter from the Native Officers of the 2d Battalion 16th Regiment N. I. at Dindigul.

To the Commanding Officer at Trichinopoly.

The Repreſentation of the Native Officers of the 2d Battalion 16th Regiment.

We made known to the Sepoys, Havildars, Jimidars, and Subadars, &c. the order which has been iſſued by the honourable the Governor in Council, on the 4th Auguſt, in the name of Chinnatomby Subadar, the firſt Subadar of the 2d battalion 16th regiment, and we have alſo communicated the ſame by writing to the two Companies at Madura. We the native Officers, Havildars, Sepoys, &c. conducted ourſelves in conformity to the written order of Government, which was ſent to us, and we are ready to obey ſuch orders as may be iſſued to us by the Company hereafter.

(True tranſlations)
Dindigul, 13th Auguſt, 1809. (Signed) C. RUNGIAH, Interpreter.

To the Chief Secretary to Government, Fort St. George.

Sir,

It is with extreme regret that I am obliged to report, for the information of the honourable the Governor in Council, that the corps of this place, viz. the 1ſt battalion, 2d and 1ſt battalion 4th regiments, which had been under marching orders for ſome time paſt, and only waited for the neceſſary camp equipage and pay, have now refuſed to move.

The late meaſures of Government as carried into effect at the Preſidency and Trichinipoly have created a moſt violent ferment among the corps here. At thoſe places where the European forces were ſo far ſuperior in number to the native, the meaſure probably was executed without difficulty; but here where there were ſeven battalions of ſepoys, and a com-

[No. 2. E.] Enclosure No. 36. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

pany and a half of artillery to our one regiment, I found it totally impoſſible to carry the buſineſs to the ſame length, particularly as any tumult among our own troops, would certainly bring the people of Travancore upon us. It is in vain therefore for me, with the ſmall force that I can depend upon, to attempt to ſtem the torrent here by any acts of violence.

Very much vexed, however, upon receiving the accompanying letter, ſigned, I believe, by every officer in this cantonment, except Captain Ahmuty, Quarter-maſter of Brigade, and Captain Nixon of the Artillery, the firſt impulſe that ſtruck me, as I could not enforce the point, was immediately to march off to Trichinopoly with my own regiment, and leave them to themſelves, as they would not obey my orders. But upon cooler reflection, being conſcious that ſuch a ſtep would create diſturbances in the country at ſuch a juncture, I reſolved to remain here till I received further orders from Government.

Moſt ſincerely and anxiouſly do I wiſh that the preſent tumult may ſubſide, without fatal conſequences, which, if the preſent violent meaſures are continued, I much fear will be the caſe. If blood is once ſpilt in the cauſe, there is no knowing where it may ſtop, and the probable conſequences may be, that India will be loſt to us for ever. So many officers of the Army have gone to ſuch lengths, that unleſs a general amneſty is granted, tranquillity can never be reſtored.

The honourable the Governor in Council will not, I truſt, impute to me wrong motives for having thus given my opinion; I am actuated ſolely by anxiety for the public good and the benefit of my country, and I think it my duty, holding the reſponſible ſituation which I now do, to expreſs my ſentiments at ſo awful a period.

Were there any proſpects of ſucceſs, it might be right to perſevere, but where every day's experience proves, that the more coercive the meaſures adopted are, the more violent are the conſequences, a different and more conciliatory line of conduct ought to be attempted.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) P. STUART. Lieut. Colonel
Commanding in Travancore.

Quilon,
7th Auguſt 1809.

To Lieutenant Colonel the honourable P. Stuart, Commanding the Forces in Travancore.

Sir,

Under a full and unimpaired recollection of the purport of an addreſs which ſome of us, in the name of the whole, a few days ago had the honour of tranſmitting through you to the Government of Madras, we, the underſigned, agreeably affected at the circumſtances which obliges us to intrude on your attention matters immediately connected therewith, before time could have been afforded for the determination of Government being conveyed to us, as touching that queſtion.

Things of importance, when required to be told at a juncture like the preſent, admit of no preamble; we therefore proceed to inform you, that authentic information having been received of the determination of Government to exert every reſource under every circumſtance, and at all riſks to ſtifle the voice of the Army (which has been merely calling aloud for juſtice) under the aſſumed deſignation of quelling a dangerous inſurrection and mutiny, a ſhadow of which we are convinced never exiſted, it becomes to us a bounden duty not only to deny a fact thus unwiſely as well as unjuſtly aſſerted, but to exert every active meaſure within our power to prevent the operation of an aſſumption ſo publicly deſtructive in its tendency.

The Orders of Government, appointing certain officers of His Majeſty's ſervice to do duty with the native corps of the honourable Company's Army, which were circulated at this ſtation yeſterday, and which are ſo diametrically oppoſite to the ſpirit of the regulations for the guidance of the Army, together with the very alarming communications reſpecting threatened proceedings in different parts of the Madras Eſtabliſhment, which have from day to day been received from Travancore, combined with the late meaſures of Government, calling upon their officers for a pledge of allegiance beyond the ſacred obligations of their commiſſions, have all conſpired to excite a degree of alarm in our minds which it is impoſſible for us to deſcribe.

We feel that a new order of things is intended, and perceive in the change nothing leſs than a ſubverſion by force of the conſtitution eſtabliſhed by the united wiſdom of the Britiſh Legiſlature, for the government and preſervation of our country's empire in the Eaſt.

The diſperſion of the honourable Company's troops, and in particular inſtances their aggravation under the controul of ſuperior European force of His Majeſty's ſervice, plainly confeſs the object in view. Conſidering that the ſucceſs of this ſyſtem of dividing in order to deſtroy, muſt inevitably be attended with conſequences as ſhocking to individuals as ruinous to the ſtate; and firmly believing that the object, if legitimate, is attainable by meaſures of very different complexion, we feel ourſelves compelled to ſtate to you, that we ſee a ſtrict propriety in urging that the execution of the order for ſeparating the force under your immediate command at this place ſhould be poſtponed, until the determination of Government be known on the addreſs forwarded by you on the night of the 4th inſtant, by which time we are ſanguine in the hope that affairs will bear a more favourable aſpect.

We have the honour to be, Sir,
Your very obedient ſervants,
(Signed)
by 50 Officers of the honourable Company's ſervice.

Quilon,
7th Auguſt 1809.

Enclosure, No. 37.

[No. 2. E.]
Enclosure No. 37. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

GENERAL ORDERS.

Head-quarters of the Army, Choultry Plain, 15th August 1809.

THE honourable the Governor in Council having addreſſed the ſubjoined Orders to Major General Gowdie, commanding the Army, to be publiſhed to the Army; they are accordingly publiſhed in Military Orders.

Fort St. George, 12th Aug. 1809.

G. O. by the honourable the Governor in Council.

THE courſe of proceedings followed for ſome time paſt by the officers of the honourable Company's Army at this Preſidency, has obliged the Government to adopt the moſt decided meaſures for the preſervation of the important intereſts committed to its charge. Theſe proceedings may be ſtated to have commenced with the tranſmiſſion to the Government, by the late Commander in Chief, of a Memorial addreſſed to the honourable the Court of Directors, dated January 1809, and ſigned by a large proportion of the Company's officers. Although that paper exhibits claims of an ungrounded nature, and contains obſervations equally improper and unjuſt on the Orders of the honourable Court of Directors and the Government; the Governor in Council was induced to permit it to paſs without the ſerious notice which it appeared to demand, by a confidence in the diſcipline of the Army, and a perſuaſion that the objectionable paſſages in the Memorial were inadvertently and unintentionally introduced.

The ſubſequent conduct of the Commander in Chief forced the Government to vindicate its authority by a ſignal example of puniſhment. It was well known to the Company's officers, that the whole of this proceeding was referred to the Supreme Government and the authorities in Europe; that it would receive from their wiſdom a deciſion conformable to the ſoundeſt principles of reaſon and juſtice; and that its diſcuſſion could not belong to the cognizance of the Army, who are precluded from becoming a deliberative body. Notwithſtanding theſe conſiderations the Governor in Council, anxious to remove every cauſe of miſunderſtanding relative to a meaſure of ſo important a nature, publiſhed an Order, dated the 31ſt January, explaining to the Army the grounds on which it was adopted. The Governor in Council had a right to expect, on the moſt obvious grounds of diſcipline and reſpect for the laws, that the queſtion would have been permitted to reſt here, and receive its final award from the only powers competent to decide on it; and it was with feelings of equal ſurprize and concern he learned that a Memorial to the Supreme Government, of the moſt intemperate deſcription, was circulated in the Company's Army. The Governor in Council, deſirous to avoid a recurrence to meaſures of ſeverity, and perſuaded that it was ſufficient to apprize the Company's officers of the improper nature of their proceedings to induce them to deſiſt from their proſecution, authorized the Commander in Chief to iſſue a circular letter, dated the 5th March 1809, explaining to thoſe officers the impropriety of their conduct, and calling upon them by the moſt powerful motives of duty, allegiance, and honour, to abſtain from ſuch unjuſtifiable meaſures. A letter from the right honourable the Governor General in Council, dated the 20th of February 1809, approving of the ſteps adopted by the Government of Fort St. George with reſpect to the late Commander in Chief, was alſo circulated to the Army, in the expectation that the ſentiments of the Supreme Government would have repreſſed the ſpirit of faction and inſubordination which prevailed. Theſe letters appear to have produced no effect: the Memorial to the Supreme Government made further progreſs; and an addreſs to Major Boles, an officer under ſentence of ſuſpenſion, written in language of determined ſedition, was circulated in the Army, and forced upon the notice of the Governor in Council by a Company's officer holding a confidential ſituation on his Staff. The Governor in Council was ſtill induced to purſue a ſyſtem of forbearance, by the ſentiments of affection and reſpect which he was diſpoſed to entertain towards the Company's officers, and by a conviction that the principles of zeal, diſcipline, and national attachment, by which he ſuppoſed they were actuated, would lead them to relinquiſh the reprehenſible meaſures in which they were engaged, on being made fully acquainted with their impropriety and danger. The Commander in Chief accordingly, under the ſanction of the Government, iſſued a ſecond circular letter, dated the 10th April 1809, again calling upon the officers of the Company's Army to adhere to their duty, correcting the erroneous opinions which they had received regarding the powers of the Government, and deſcribing the unjuſtifiable nature and dangerous conſequences of their proceedings. The Governor in Council learned with deep regret, that theſe meaſures of moderation, theſe repeated and urgent appeals to the diſcipline, duty, national attachment and profeſſional honour of the Company's officers were entirely nugatory; that the Memorials continued to be circulated; and that ſentiments of ſedition were openly declared in many parts of the Army. The further forbearance of the Government would have encouraged the progreſs of thoſe evils: a courſe of explanation and exhortation had been purſued in vain, and it became imperiouſly neceſſary to check, by a ſalutary example of puniſhment, a ſpirit of inſubordination that threatened the moſt dangerous conſequences to the proſperity of the empire. The General Orders of the 1ſt May laſt were accordingly paſſed. The Governor in Council is concerned to ſtate, that this example, which was confined to the perſons who were principally inſtrumental in promoting ſedition, and of whoſe delinquency the moſt ample proofs exiſted, and which was intended to obviate the neceſſity of more extenſive puniſhments, failed to produce the beneficial effects anticipated from its adoption; and that principles of inſubordination and ſedition continued to

prevail

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prevail among the Company's officers, if poſſible with aggravated violence. The Company's officers of the Hyderabad ſubſidiary force, whoſe good conduct in refuſing to affix their ſignatures to the ſeditious addreſſes, had received the approbation of the Government, intimated to the reſt of the Army, in an addreſs, dated in May laſt, ſcarcely leſs reprehenſible than the papers which had incurred the animadverſion of the Government, their participation in the diſaffection which prevailed ſo extenſively in the Company's Army. The officers at Hyderabad followed up this act by threatening, in an addreſs dated the 15th June, tranſmitted direct to the Governor in Council, to ſeparate themſelves from the authority of the Government eſtabliſhed over them by their country, unleſs a ſubmiſſion ſhould be yielded to their menaces by abrogating the General Orders of the 1ſt May; and the Company's officers at Maſulipatam impriſoned their commanding officer, and made preparations to deſert the poſt entruſted to their charge and to join the Hyderabad ſubſidiary force, thereby involving, on account of views perſonal to themſelves, the men under their command in the guilt of rebellion, and furniſhing to the native troops a dangerous example of reſiſtance to authority. The Governor in Council, ſtill anxious to impreſs on the minds of the Company's officers a ſenſe of the impropriety of their conduct, publiſhed to the Army the diſpatch from the Supreme Government, dated the 27th May laſt, which contained an entire approval of the meaſures of the Government of Fort St. George, and ſtated the moſt forcible and concluſive arguments againſt the ſyſtem of faction and illegal combination which had been introduced into the Coaſt Army. This ſolemn deciſion of the ſupreme authority in India has alſo proved to be ineffectual. The officers at Hyderabad, although they knew the ſentiments of the Supreme Government, refuſed in a body, in a letter to their commanding officer, dated the 8th July, obedience to the orders of Government for the march of a battalion from Hyderabad, adding, as a threat, that its ſervices might ſoon be uſeful to their cauſe; and have ſince forwarded to the Government, in a paper dated 21ſt July, the conditions on which they are willing to return to their duty, and which they require the Government to accept, in order to avert the impending awful evils, evils which can reſult only from their own criminal determination to place themſelves in the ſituation of enemies to their country. The conditions on which thoſe officers preſume to ſtate, that they will yield obedience to the national authorities, afford further proofs of the nature of their deſigns, for they demand the public revocation of the General Orders of the 1ſt of May; the reſtoration to their rank and appointments of all officers removed by this Government, however obnoxious and criminal the conduct of thoſe officers may have been; the diſmiſſion from office of the officers of the general ſtaff, who may be ſuppoſed to have adviſed the Government; the trial by a court-martial of the officer commanding Maſulipatam, who was arreſted by his own diſobedient officers; and finally, an amneſty for the conduct of the Company's Army. The garriſon of Maſulipatam have placed themſelves in a ſtate of rebellion; the troops at Seringapatam and Hyderabad have followed their example, and it has been aſcertained that the military authority entruſted to commanding officers has been uſurped by ſelf-conſtituted committees, and that an organized ſyſtem of combination, for the purpoſe of ſubverting the authority of the Government, has been eſtabliſhed throughout the greateſt part of the Army of this Eſtabliſhment.

The Governor in Council perceives in the foregoing courſe of proceedings on the part of the European officers of the Company's Army, which has equally reſiſted meaſures of forbearance and puniſhment, a determined ſpirit of revolt, that muſt, unleſs ſpeedily repreſſed, produce the moſt fatal conſequences to the conſtitution and authority of the Government, and the intereſts of the nation. No means compatible with the honour and authority of the Government, have been omitted to recal the Company's officers to a ſenſe of their duty as ſoldiers, and of their allegiance as Britiſh ſubjects. The forbearance diſplayed by the Government, under circumſtances of aggravated indignity, demonſtrates the ſatisfaction with which it would have regarded any diſpoſition on the part of the Company's officers, to manifeſt the uſual obedience required from all ſoldiers. No diſpoſition however of that nature has appeared; on the contrary, thoſe officers, by a ſyſtematic courſe of aggreſſion and inſubordination, have forced the Government to adopt meaſures of the moſt decided nature, for the ſupport of its authority.

The Governor in Council would be guilty of a moſt criminal deſertion of his duty, and the cauſe of his country, if he were capable of confirming the evils of ſedition and mutiny, by a ſubmiſſion to the menaces of a body of men, placed by the law under his government. Such a courſe of proceeding would proſtrate the authority of the State before a diſaffected and ſeditious faction; it would effectually incapacitate this and every ſucceeding Government from executing the functions of adminiſtration, and would be fatal to the proſperity of the Empire in India, by affording an example of ſucceſsful oppoſition to authority, and by weakening the power and dignity of the Government, which in this country are peculiarly eſſential to its exiſtence; influenced by theſe conſiderations, the Governor in Council has conſidered it to be his ſacred duty to reſiſt every appearance of conceſſion to the threats of inſubordination and faction, and to employ the power and means at the diſpoſal of the Government, for the reſtoration of diſcipline, and the maintenance of its honour and authority.

In this ſtate of affairs it is a ſource of the moſt gratifying reflection, that the zeal, loyalty, and diſcipline of His Majeſty's troops, and of many of the moſt reſpectable officers of the Company's Army, combined with the fidelity generally manifeſted by the native troops, will enable the Government to accompliſh the important object of re-eſtabliſhing public order. The good conduct of His Majeſty's troops during the diſſentions that have occurred, their

[No. 2. E.] Enclosure No. 37. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

their zealous adherence to duty, the preference which they have manifested to the principles of honour, virtue, and patriotism, over the personal views and disorderly passions which prevailed around them, reflect the greatest credit on their character, and demonstrate that they are animated by the same ardent love of their country, which has distinguished their brother soldiers in Europe. His Majesty's troops under this Government will possess the gratifying reflection of having deserved the approbation and gratitude of their country, and of having eminently contributed to the preservation of an important branch of the Empire.

The Governor in Council entertains a hope that the Company's officers, who have threatened the Government of their country with the most serious evils, who have demanded, as the condition of being faithful to their duty, the execution of measures degrading to the character and fatal to the interests of the State, will pause before they attempt to proceed further in the course of sedition and guilt which they have pursued. It has been the earnest wish and anxious desire of the Governor in Council to avoid measures of extremity, to re-establish order by the course of the law, and to give up to military trial the authors of the present seditious proceedings. In the prosecution of measures so consonant to justice, so necessary for the restoration of discipline, and so conformable to the ordinary course of military government, the Governor in Council is persuaded that he shall have the concurrence of all persons in the civil and military services, who have not banished from their minds every sentiment of national feeling; and he exhorts the officers of the Company's service, by submitting to that course of measures, to avert the evils which they are precipitating upon themselves. Such a result, gratifying at any period, would, at the present moment of national difficulty, be peculiarly acceptable to the views and feelings of the Governor in Council; and adverting to the zeal and patriotism by which the officers of the Company's Army have been distinguished, he still encourages a hope that by manifesting obedience to the Government, they will obviate the adoption of measures of extremity, arrest the certain consequences of their past conduct, and promote the restoration of general confidence, order and discipline.

By Order of the honourable the Governor in Council.

(Signed) A. FALCONAR,
Chief Sec. to Gov.

By Order of Major General Gowdie, commanding the Army.

(A true copy.)
(Signed) A. FALCONAR,
Chief Sec. to Gov.

Enclosure, No. 38.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

Since my dispatch of yesterday, for the information of the honourable the Governor, I have the honour to inform you, that Captain Morehouse, senior officer of artillery at Masulipatam, who, under certain considerations, as stated in my letter bearing date the 2d instant, had my permission to quit this station, yet wishing not to do so until absolute necessity, under the sanction of prudence, imperiously obliged him to take that step, I exhorted him, while giving my assent to his remaining here, to use his utmost influence with his people to fix their fidelity at this important crisis to their Country and Government, and to adopt every possible means to impress on the minds of such as might appear tainted by the too prevailing principles of insubordination in this garrison, to bring them back to their duty and obedience. That officer, however, has just reported to me, that, as Acting Commissary of Stores, having refused to furnish such articles as the garrison demanded towards equipping the troops for field service, agreeably to the preparatory order issued yesterday to that purport (a copy of which was transmitted to you last evening by express) they summoned him before their committee, who directed him immediately to leave the station, which he has reported to my Aid-de-camp for my information, he will now, judging it most advisable, accordingly do so.

I have the honour to be, Sir,
Your most obedient servant,

Masulipatam,
4th August 1809.

(Signed) J. PATER,
Major Gen. Commanding the
Northern Division of the Army.

To Lieut. Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I have the honour of acknowledging the receipt of your two communications of the 29th ultimo, which have this moment come to hand, in one of which was enclosed a copy of a letter from the honourable the President in Council to the Resident at Hyderabad; you will have perceived, by my prior communications, the alarming extent of the proceedings of this garrison, which it is totally out of my power, situated as I am, to controul by force, and every other means, I am concerned to say, I have tried in vain to that end. Anxiously wishing to know the state of Lieut. Colonel Fletcher's corps, I have been very solicitous to have a reply from that officer, who commands the 2d battalion 24th regiment native infantry at Ellore, to my letter (a copy of which I now send you) upon the subject of my expectations of its affording some assistance; but no notice having yet been taken of that communication,

[No. 2. E.] Enclosure No. 38. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

nication, nor having at all heard from him, lead me to apprehend lest he may not find himself confident to assure me of its zealous exertions, if any way required on the present occasion.

Had it been timely ascertained that this corps was firm in its allegiance to Government, I proposed sending such of the artillery company as were unshaken in their fidelity to join it, provided I found it practicable to effect that object, which, at this period, could not possibly be even attempted. The corps have not yet moved out of the garrison, but are making preparations, I understand, to do so.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER,
Major Gen. Commanding the
Northern Division of the Army.

Masulipatam,
5th August 1809.

Dear Sir,

Convinced by information which I had previously been made acquainted with, that at this melancholy and momentous crisis, which threatens the foundation of the British empire in India, that you and your corps are firm in your allegiance to the Government, I communicate to you, without reserve, that I have reason to apprehend, in consequence of Colonel Malcolm not having returned to this station nor written, as it seems the garrison expected, whether he intended doing so or not, an alarm has taken possession of their minds, lest some blow by surprize may be meditated on, and directed towards them from the Presidency of Fort St. George. Excited by this feeling, they have called upon Captain Morehouse, senior officer of artillery at this place, who possesses adverse sentiments to theirs, and directed him to quit the station, giving him until to-morrow morning to think of that proposal. Painfully situated as I am, amicable exhortations are the only means in my hands to restore that order and obedience so desirable to be brought about and impressed on the mind of every military man, and which the safety of the British possessions at this unhappy period anxiously call for and require more than ever.

I request you will, with as little delay as possible, make me acquainted with the disposition of your corps, and whether a reliance can be placed on its allegiance to the Company; you have doubtless taken such steps as may appear to you most advisable to secure the attachment of the European officers and men to the service, by particularly reminding the former of the sacred duty every British subject owes to his most gracious Sovereign and Country, and bringing to their recollection the unhappy consequences that would occur to them by the slightest deviation from either.

I beg to remain, dear Sir,
Your faithful and obedient servant,
(Signed) J. PATER.

Masulipatam,
2d August 1809.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

Since my communication of yesterday, not yet having heard from Lieutenant Colonel Fletcher in reply to my exhortation of the 2d instant, only tends to confirm my apprehension, that unfavourable causes must have prevented him forwarding me the information I required, or that it has, by some clandestine means, been waylaid and intercepted.

Having addressed the garrison, a copy of which I now send you, upon the preparatory order appearing, directing the troops to hold themselves in readiness to march, as stated in my letter of the 3d instant, I conceived, by the quiet aspect it subsequently took before, that some salutary effect might possibly have been produced by the operations, and on that supposition, to ascertain the extent, I yesterday sent an order to the senior officer of the troops, directing the whole of the native officers of the battalion to repair to my quarters at nine o'clock as this morning, a copy of which also accompanies this; of which no notice having been taken, and none of the officers attending as therein directed, I can have no doubt of the line they are determined to pursue. This, I trust, will sufficiently show the melancholy state of insubordination the troops here have arrived at, that the utmost exertions I can command will avail but little in bringing them back to their duty. They are still making active preparations, I understand, to march, and intend doing so immediately; they consider themselves in readiness to carry into execution that ill-judged design. The whole of the vicinity of this place is impressed by the greatest apprehensions of the dangers that they may be exposed to in consequence, which will extend doubtless to the country at large, and create, I fear, an alarming confusion.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER,
Major General, Commanding the
Northern Division of the Army.

Masulipatam,
6th August 1809.

To the Senior Officer of the Troops at Masulipatam.

Sir,

It is with the most poignant grief that I have this moment received intelligence of the intended movement of the garrison of Masulipatam. Do, Sir, reflect upon the calamitous events

events that must inevitably follow the prosecutiou of any design to act in opposition to the authority of Government; and I most seriously exhort you to use your utmost efforts to impress this sentiment on the mind of every officer and of every man belonging to the force; and I trust that, through your influence, address and persuasion, you may yet be able to prevail upon them to abandon their perilous projects, remain at Masulipatam, and throw themselves upon the clemency of Government.

(Signed) J. PATER,
Major Gen. Commanding the
Northern Division of the Army.

Masulipatam,
3d August 1809.

To the Senior Officer of the Troops in Garrison at Masulipatam.

Sir,

Major General Pater desires me to request you will order all the native commissioned officers of the garrison, excepting those on duty, to attend at his house to-morrow morning at nine o'clock.

(Signed) H. J. BOWLER,
Lieut. Aid-de-Camp.

Masulipatam,
5th August 1809.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

In addition to what my letter of this day will communicate to you, likewise for the information of the honourable the Governor in Council, I beg now to state, that the Madras Tappal, which ought to have come in last evening, I have reason to believe was this morning seized by some persons, probably at the instigation of the garrison, and the whole of its contents has, in that case, fallen into their hands. As all the Tappals in future may share the same fate, which would be attended with important inconvenience to the service, I lose no time in making you acquainted with this occurrence.

I beg likewise to transmit to you a letter which I have this moment received from an officer belonging to the 1st battalion 24th regiment, which will account for Lieutenant Colonel Fletcher's silence to me.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER,
Major Gen. Commanding the
Northern Division of the Army.

Masulipatam,
6th August 1809.

To the Officer Commanding the Northern Division of the Army.

Sir,

I have the honour to report, for your information, that, in consequence of the Native Adjutant of the battalion having told the European Adjutant, that it was Colonel Fletcher's intentions, if the officers of the battalion would not agree with him in what he had to acquaint them with, to seize all the officers (Ensigns excepted) and send them to Masulipatam; I have conceived it necessary, at the request of the officers, to place him under restraint, for fear of any unpleasant circumstance taking place.

gned) J. SADLER,
Capt. 1st bat. 24th regt.

Ellore,
5th August 1809.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I think it incumbent upon me to lose no time in giving you notice, for the information of the honourable the Governor in Council, that a vigilant watch is unremittingly placed, not only on me and my staff, but likewise upon all coming into or going from my house, and that no less than fifteen persons, women as well as men, have been searched this morning approaching it. But yesterday a peon with letters was seized within 300 yards of my gate and carried off, who, through the exertion of some people near me, nevertheless was soon recovered with this charge. This success, however, will only tend to closer restrictions on those who have business with me, as the vigilance of the individuals, I observe, posted round me, seems to have greatly increased since that period.

I am informed that preparations of every kind are making in the fort for the supply of a force in camp.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER,
Major Gen. Commanding the
Northern Division of the Army.

Masulipatam,
8th August 1809.

P. S. I have the honour to enclose you a communication, which I have this moment received from Lieutenant Colonel Macleod, with my reply thereto, which, I hope, will meet with the approbation of the honourable the Governor in Council.

[No. 2. E.]
Enclosure No. 38. in Gen. Lett. Sec. Dep. 19 Sep. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

I have the honour of transmitting, for the information of the honourable the Governor in Council, a detail of circumstances connected with my department in charge of the general treasury.

I have the honour to be,
Your most obedient servant,
(Signed) W. HAWKINS,
Coll. in Charge of M. G. T.

Masulipatam,
G. T. Office,
8th August 1809.

4th August 1809.

On my return in my palankeen from General Pater, I was met by Major Story, Captain Andrews, and Captain Harrington. These officers told me they had all been at my house, deputed by the rest of the officers of the garrison, to inform me it had been resolved to move from Masulipatam; and as there was no other chance for their pay, they were reduced to the necessity of helping themselves from the treasury in the fort, which they should be obliged to break open unless I would send in my cash-keeper and shroff with the keys: that they did this with a view of preventing confusion, which must arise were they to break the doors and locks; and that it was their intention to give a receipt for whatever might be taken, which should be done before the servants of the treasury. This, I said, was impossible; and we parted.

A few hours after calling upon General Pater with this information, I found one of the officers, who told me I was not to consider the accidental meeting as conclusive, as it was the intention of the three officers to call on me in the evening. I then declared my determination not to send the keys, in which General Pater heartily concurred. The officers did not pay the visit.

Upon my return to the Cutcheree, I found Mr. Paymaster Savage's shroff waiting with bills of Government for 30,663 S^r Pag^s on the general treasury, which did not a little embarrass me how to act. To send and open it would have been what I have exactly refused. I therefore determined on asking the advice of General Pater and Mr. Judge Webbe.

5th August 1809. I waited on General Pater with Mr. Webbe, and mentioning the predicament in which I was placed, I begged their opinion how I should proceed. It was thought advisable, in the present state of insubordination in which the troops were, that I should go into the fort and pay Mr. Savage's shroff the amount of the bills, thereby removing any cause of complaint on the score of pay; and that, if any attack was made on the treasury I should be present, to save undoubtedly a great deal of confusion.

7th August. Wishing to communicate further on the subject, I called on Mr. Webbe, and there heard that the order for the issue of the pay, which confirmed us in the propriety of my going to the fort as had been previously agreed on. I then called on General Pater, and he being of the same opinion, I went to the fort, and upon sending for a permit to open the treasury to the officer of the day (which has ever been the practice) an order was sent and the doors opened. I was met in the fort by Captain Andrews, who informed me it had been resolved not to touch the treasury; that the idea was abandoned; and that nothing but being driven to the last extremity would ever induce the garrison to resort to such a step. I paid Mr. Savage his bills at the treasury and he left the fort.

Masulipatam,
8th August 1809.

(Signed) W. HAWKINS,
Collector in Charge of M. G. T.

Copy of a Letter from Lieutenant Cecil of the Madras European Regiment, to Major General Gowdie.

Dear and honoured Sir,

Once more I take the liberty of encroaching a line upon you by a private manner, as the forces here are all in readiness to march for field service. The tents and stores are sent out already, and the proceedings altogether of the officers have appeared all along to me to be so outrageous and unjustifiable, that I have signified to General Pater that I shall not join with them, and adhere faithfully to my Government; and having abided by his instructions and advice, was making preparations to remove to another part of the district; but having dissuaded some of the men of my company from taking the field against the Government, against their honourable Masters, and without any general orders from the Commander in Chief, I have been betrayed by one Corporal, who reported the whole to the mess last night, and I was called a liar by Captain Andrews in the presence of the officers, and ordered into close arrest, with the most malicious threats of a general court-martial.

The charge they are about to make against me is, for accusing the Officers and Army at large of mutiny against the King and Government.

During all the present surrounding circumstances, I could not act neuter. I must either be a martyr or a prolelyte. The injurious and dangerous impression already made upon the minds of the natives here, I lament to observe, and the anarchy and confusion of the settlement altogether, represent a picture of alarm and horror.

Pardon, dear Sir, this intrusion once more, as it comes from one who humbly and anxiously solicits your favourable consideration in unmerited and unhappy misfortunes, and who respectfully solicits your interest and recommendation in getting removed to another situation.

I have

[No. 2. E.]
Enclosure No. 38. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I have acted from the very beginning and throughout as conscientiously and faithfully as I could to the Government, and while suffering in its cause implore its protection; with ten thousand apologies and hopes, I subscribe myself,

Dear and honoured Sir,

8th August. Your's, &c.

(Signed) J. CECIL, Lieut.

To Major General Gowdie,
&c. &c. &c.

My Lord, Masulipatam, 7th August 1809.

The accompanying letter having been submitted to Major General Pater for transmission to your Lordship, and the General declining to do so, we, at the solicitation of our brother officers, most humbly and respectfully transmit herewith the accompanying letter, and with due respect subscribe ourselves,

My Lord, your Lordship's most obedient,
and faithful servants,

(Signed) J. STOREY, Major.
A. ANDREWS, Captain.

To the Right Hon. Lord Minto, Governor General,
&c. &c. &c.

My Lord,

We, the officers of the garrison of Masulipatam, alluded to in your order of the 20th ult. take the earliest opportunity of professing solemnly to your Lordship our unlimited loyalty to our King, our attachment to our Country, and our reverence for its Laws, and our perfect content and happiness under the Government of the honourable Company, as heretofore administered; but at the same time to inform your Lordship that the violent, oppressive, and treacherous conduct of the Government of Fort St. George, towards our brother officers at and in the neighbourhood of Madras, has driven us with the utmost pain and reluctance to adopt measures for our own security against the further efforts of such conduct towards ourselves.

We are convinced that the attempt to seduce the attachment of the native troops from their European officers, is pregnant with the utmost danger to the territorial possessions of our country upon the Peninsula, and that success in that attempt would ultimately lead to the destruction of every European of whatever country residing within them.

We conceive that the adoption of such a measure to reduce us to submission, at a time when we professed our willingness and readiness to return to it, upon the Government conceding to us the redress absolutely required to retrieve the character of the Army from the state of degradation into which it had been plunged, by the order of 1st May, was a species of treason against the security and interests of the British nation in India, and an act of the greatest treachery towards the officers of the Army. It has destroyed all confidence betwixt us and a Government that could resort to such measures; and we conceive ourselves warranted by them, to adopt on our part such measures of precaution as are become necessary to secure ourselves against the further efforts of such a line of conduct; and this is the only object we have in view, we solemnly declare to your Lordship.

Instead of resorting to the measures adopted upon the 26th ult. had the Government of Madras published to the Army the consoling and conciliatory language contained in your Lordship's orders of the 20th ultimo; we have every reason to believe that the Coast Army would have been at this hour in a state of order and tranquillity, instead of a state of anarchy bordering on destruction.

Even at this hour, when our minds are agitated by a tempest of vindictive passions, occasioned by the late treatment of our brother officers at Madras; we again profess our readiness to return to order and regularity, as soon as the sentiments contained in your Lordship's order of the 20th ult. are adopted by the Government at Madras, and a pledge is given in public orders of a resolution to act up to the spirit of them. Your Lordship will then find us instantly ready to meet every wish, as stated to be the object of your journey to Madras.

(Signed) J. STOREY, Major,
A. ANDREW, Captain,
For behalf of the officers of the Masulipatam garrison.

To Lieut. Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I beg, for the information of the honourable the Governor in Council, to enclose you three letters which I have received from the senior officers at Ellore, Nos. 1, 2, 3, and likewise a report from the garrison storekeeper of Masulipatam, and a private communication from Lieut. Colonel Innis, Nos. 4 and 5, regarding the latter being at the time it came to hand, which was late last evening, ignorant of any occurrences alluded to in his note, having happened in the fort; and Lieut. Colonel Innis not having been explicit upon the subject of his communication, I naturally ascribed the cause of the garrison ordering him to depart from this station, to some private disagreement between the officers and him. I, however, under existing circumstances, found it expedient to write to Lieut. Colonel Innis, to be more explicit upon the subject, as I have no other means of obtaining a statement that can be depended upon, regarding the circumstances; his answer shall be forwarded to you, as soon as I may receive it from Gullapoilum.

[No. 2. E.] Enclosure No. 38. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I have been, however, given to understand, that the officers had reason to think that a disaffection to their cause existed in the minds of some of the men, occasioned, as they suppose, by attempts on the part of Lieutenant Colonel Innis and Lieutenant Cecil of the European regiment, to bring them back to a sense of their duty, and this I conclude to be the reason of Colonel Innis's removal. I have taken to-day much pains to ascertain the nature and extent of this disaffection, in order, if possible, to turn it to the advantage of Government. But from all that I have been able to collect, I am induced to think that any attempt of the kind would be attended with more injury than advantage to the interests of Government, as the few men who were suspected are reputed to be the worst disposed men of the corps in peaceable times, and were in a state of complete intoxication at the time; seven or nine of these men, I understand, left the fort with their arms this morning, not with an intention of joining any loyal party, but merely for the sake of committing depredations in the surrounding country; 50 Europeans and 50 Natives from the garrison have been sent out after them; and I have done the only thing at present in my power by writing to the magistrate, and requesting his assistance in keeping the peace of the country unshaken.

The very limited means of gaining information which I possess, from the vigilance of the garrison in intercepting any communication to or from me or my staff, which they conceive of detriment to their plans, will, I trust, be a sufficient excuse for the unsatisfactory account which I have been enabled to give. The letter of Colonel Innis will, I hope, give me the necessary information; and I shall lose not a moment in transmitting it, with as much more matter as I can collect, for the information of the Government.

I have the honour to be, &c.

Masulipatam, 13th August 1809.

(Signed) J. PATER,
Major Gen. Commanding the Northern Division of the Army.

To Major General Pater, Commanding Northern Division of the Army.

Sir,

I have just this moment received information, that orders were sent from Bezam to the Guards of the 1st battalion 24th regt. stationed at Maliarum and Moonigaut to quit their posts, and march without delay by Wonapully into the Palnaud country. They marched three days ago, and I am at a loss to account for so extraordinary a measure. I may venture to affirm, the authority for their march was not derived from you. I have sent off two sepoys to stop their proceeding any further, and to direct them to return to their respective stations; and I have requested Lieutenant Denas, commanding at Condapilly, to dispatch people for the same purpose.

Ellore, 11th August 1809.

(Signed) J. NIXON,
Lieut. Col. Commanding Ellore.

If I receive any further particulars you shall be forthwith acquainted.

To Major General Pater, Commanding Northern Division of the Army.

Sir,

I have just received a second report of Colonel Fletcher having carried away all the out-posts of the 1st bat. 24th regt. viz.

Condapilly
Begoara,
Milarum,
Mungall.

The whole force amounts to 157 men, including all ranks, as also a Havildar's guard from Godanvanass, from which cause the country is greatly endangered by his having created a false alarm, and will be the means of the villages being totally deserted.

I beg leave to enclose the Cutwall's letter from Beganore. I trust I shall be able to recal the detachments that have proceeded from Milarum and Mungall. The men at this station are in perfect tranquillity and obedient to their officers.

I have the honour to be, &c.

Ellore, 11th August 1809.

(Signed) J. MACKAY,
Lieut. Commanding Ellore.

To Major General Pater, Commanding Northern Division.

Sir,

In consequence of the report of the Mungall guard having been withdrawn by Lieutenant Colonel Fletcher, I have conceived it necessary, for the protection of the inhabitants of that quarter, to attach a guard of the same strength as formerly was stationed there, with instructions to return if the guard had not quitted its post.

(Signed) J. NIXON,
Lieut. Commanding Ellore.

Ellore, 11th August 1809.

[No. 2. E.]
Enclosure No. 38. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To General Pater.

My dear General,

In conſequence of ſome circumſtances which occurred laſt night, the officers here have called on me to remove to Gallapollum to-morrow evening with my family. When we meet I will ſtate to you the particulars, and ſo ſoon as I am exonerated from remaining here I intend going to Madras.

Your's truly,

Fort, (Signed) J. INNIS.
12th Auguſt 1809.

Major General Pater, Commanding Northern Diviſion of the Army.

Sir,

I am concerned to inform you, that in the evening of the 10th inſtant, a party of military forced the gate of the compound to the garriſon's ſtore-rooms in the fort, and carried off 1,014 gunny bags, which had been lodged in the veranda attached to the building.

I have reported the circumſtance to the Military Board.

(Signed)

Maſulipatam, Garriſon Storekeeper.
12th Auguſt 1809.

To Lieut. Colonel Barclay, Military Secretary to the honourable Sir George Barlow, &c. &c.

Sir,

I have now the honour to encloſe, for the information of the honourable the Governor in Council, a copy of Lieut. Colonel Innis's anſwer to the communication made to him by my orders, regarding the contents of his note to me, which formed part of my yeſterday's diſpatch to you, and which, the honourable the Governor in Council will obſerve, confirms the opinion I then gave regarding the impolicy of attempting, under ſuch circumſtances, to create a diviſion in the garriſon.

Colonel Innis did not ſet off for Gallapollum ſo ſoon as I had expected, and waited on me laſt night. In the converſation I had with him he ſtrongly repreſented to me, the impracticability of turning the ſervices of the men alluded to in the anonymous letter to the advantage *of the State, even ſuppoſing* that the contents of that letter were true, which his knowledge of the ſtate of affairs in the garriſon led him very much to doubt, becauſe the exertions of 200 men againſt the remainder of the Maſulipatam garriſon could only have been attended with a ſenſe of unavailing bloodſhed; and it will appear natural that in this inſtance I ſhould have been in a great meaſure guided in my determination by the opinion of an officer, whoſe late ſituation at this place afforded him opportunities of aſcertaining the means to be employed in favour of Government, which my well-known ſituation ever ſince my arrival has precluded me from poſſeſſing, in ſpite of every attempt to do ſo.

(Signed) J. PATER,
Major General Commanding
Maſulipatam, the N. D. of the Army.
14th Auguſt 1809.

My dear Sir,

General Pater has requeſted me to ſay, that he will thank you to inform him of the circumſtances which have induced the garriſon to remove you from it. The General requeſts you will be as explicit as poſſible on the ſubject, as your communication will guide him in the diſpatch he is about to ſend off to the Preſidency.

Your's very truly,

13th Auguſt 1809. (Signed) H. SCOTT.

My dear Sir,

I am favoured with your letter, and, as my baggage is off, reply to it on the back of your's. The accompanying note I received from Lieutenant Cecil on the 11th, in the evening at 7 P. M. and immediately ſent for him to my houſe. He inquired if I had received any anonymous letters. I told him I had not: he then aſſured me that one had been affixed to a brick and caſt into his compound, intimating that upwards of 200 men had reſolved upon arreſting their officers, provided I would conſent to take charge of the corps and garriſon: they alſo added, that they would not march to Baiſwarah without a Government Order, and that their officers would only advance them three days pay now.

Conſidering the preſent ſtate of the Madras European regiment, and the nature of the information, I told Lieutenant Cecil that I objected to having any concern in ſo raſh, mad, and imprudent a ſcheme, with a ſet of men intoxicated with liquor, as it could only tend to miſchief, and no reliance could be placed upon them, particularly as they were ſtrictly watched, which proved to be the fact, as alſo Lieutenant Cecil. I accordingly intimated to Major Story, that I wiſhed to ſpeak to him next morning, when I acquainted him, in preſence of his Adjutant, that ſuch an *idle* circumſtance had come to my knowledge, which I objected to in order to preſerve the lives of many innocent and good men. I alſo informed the Major, that two privates had called at my houſe yeſterday morning, and that I declined ſpeaking to them. In the afternoon, the Major, accompanied by Captain Andrews, and Lieutenants D. Forbes and Spankie, called at my houſe, and intimated that I muſt remove to Gallapollum,

[No. 2. E.] Enclosure No. 38. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

lum, accuſing me of tampering with their men, and employing Peons to induce the artillery to return to their duty and allegiance to Government.

From what I have ſtated, the General will ſee what occurred, and I truſt will reſt perfectly ſatisfied that, however anxious I am to ſupport the cauſe of Government, it is requiſite to blend prudence with zeal.

Lieutenant Spankie's note to Major Storey, reporting, that Lieutenant Cecil had been tampering with the men (although in arreſt) reached Major Storey ſome hours before mine did.

Maſulipatam, 13th Auguſt 1809. (Signed) J. INNIS.

To Colonel Innis, &c.

Dear Sir,

Wiſhing particularly to ſpeak to you, and not daring to be out by day-light, could you permit me to come to you this evening; beſides which the ſubject which I have to communicate is of ſuch an important and ſecret nature, that I cannot venture to write upon it.

I remain, dear Sir, &c. &c.

Auguſt 11th 1809. (Signed) J. CECIL.

Sir,

I have received your private note, and ſhall attend you to-morrow at 9 o'clock.

Your's very truly,

(Signed) J. STOREY.

To A. Falconar, Eſq. Chief Secretary to Government, Fort St. George.

Sir,

I have the honour of acknowledging your letter of the 12th inſtant, by Captain Montague, of His Majeſty's ſhip Cornwallis, which I received late in the evening of the 14th. After giving directions for the preparation of that part of the treaſure which was at my Cutcheree, under a guard of invalids, I went into fort at the requeſt of Lieutenant Vidal, who came on ſhore in charge of Captain Montague's diſpatches, where I found all the troops under arms, and General Pater reading the Order of Government. The lateneſs of the hour (for my ſervants could not have got to the fort until dark) and the diſpoſition the troops were in at that moment, induced me to write to Captain Montague, to inform him how the treaſure was ſituated, and that I ſhould appeal to the duty of the garriſon by an application the next day to open the general treaſury, which has ever been under ſentries from the main guard; that it was my intention to take about a lack and a half of rupees from the Cutcheree to the ſea-ſide, and procuring catamarans and a boat, ſhip it early next morning on board His Majeſty's ſhip Cornwallis.

This morning, taking the above treaſure near to the ſea-ſide, and diſcovering the ſhip had ſailed, I returned with it to the Cutcheree. About nine o'clock I was informed Lieuteneant Vidal had returned in his boat, his ſhip having ſailed before he could reach her laſt night; and Mr. Alexander, officiating Maſter-attendant, having offered his boat for his and the Purſer's accommodation, on finding the ſhip gone, I have taken upon myſelf to be anſwerable for the expence, in the conviction of its meeting the approbation of the honourable the Governor in Council.

I have the honour to be, Sir, &c.

Maſulipatam, General Treaſury Office, 15th Auguſt 1809. (Signed) W. HAWKINS, Collector and in Charge M. G. T

To the honourable Sir G. H. Barlow, K. B. Governor in Council, Fort St. George.

Honourable Sir,

We, the underſigned, being moved by the conſideration of the agitation and diſorder which ſo unhappily prevail at the preſent inſtant, to think the expreſſion of our dutiful ſervices might be not unſeaſonable, beg leave to offer the declaration of our reſolved and unſhaken affection, and our firm determination to abide by, and, at the hazard of our lives and fortunes, faithfully adhere to the Government as by law eſtabliſhed. Inſtructed by our happy conſtitution, that on the juſt controul over the Army by the executive power depends the ſafety of the State, we regard, with ſentiments of the profoundeſt grief, the departure from military ſubordination by which the preſent awful criſis is ſo affectingly characterized; and being impreſſed with the moſt lively conviction that ſuch a ſtate of things muſt be attended with danger to every object that is moſt dear to us, we feel anxiety greater than we can expreſs, that by the re-aſcendancy of this conſtitutional principle, tranquillity may ſpeedily be reſtored, and the intereſts of the Britiſh empire in India reeſtabliſhed on the firm baſis of internal concord and acknowledged public order.

(Signed) W. HAWKINS. N. WEBB. F. A. SAVAGE, and for A. G. BLAKE. H. SCOTT. J. WILSON. F. S. BOWLER. G. MAIDMAN. J. TOD, and for F. W. ROBERTSON.

Maſulipatam, 16th Auguſt 1809.

Enclosure, No. 39.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government, &c. &c. &c.

Sir,

I have this morning been honoured with your letter of the 5th instant, accompanied by a copy of your letter to Lieutenant Colonel Davis of the same date, and consequently expect an order to move with my disposable forces to Mysore, unless I get positive orders from Lieutenant Colonel Davis, to whom I have fully communicated I shall feel reluctant to break through the agreement I entered into with officers on the 9th, but if I must move, I shall require a repetition in stronger terms if possible of their allegiance, which if declined, I must put the unconditional declaration to them, and act accordingly; but the attachment of the 12th to Major Vernon is so great, that nothing but his moderation will enable me to avail myself of their services after he and his officers leave them.

I again declare to the honourable the Governor, that there is not an officer more willing to do his duty to the last drop of his blood than I am; the responsibility I have taken upon myself was with the best intentions towards him, and consequently towards my country.

I have, &c.

Cannanore, 12th August 1809.

(Signed) B. FORBES. Lieut. Col. Commanding.

Honourable Sir,

I am this morning honoured with your letter by express of the 30th ult. In compliance with your requisition, His Majesty's 86th regiment will march from hence with the least possible delay, provided it shall be found practicable, the troops at Goa not being supplied with camp equipage, or any field equipment whatever; however, every exertion will be used for the march of the above corps with such equipment as can be collected at this place; were it not for some public bullocks that arrived here with the 2d battalion 2d regiment coast native infantry, it would be impossible to move a man.

The strength of His Majesty's 86th regiment may be abont 500 rank and file, and I should hope it would be enabled to commence its march on or about the 14th instant, perhaps before.

I have the honour, &c.

(Signed) COURT SCHUYLER, Envoy, Goa.

To the hon. Sir Geo. Hilaro Barlow, Bart. K. B. &c. &c. &c.

Sir, Goa, 9th August 1809.

In consequence of requisition received by the British Envoy from Sir George Barlow, I have ordered His Majesty's 86th regiment to prepare to march into the Mysore country, by the same route as sent from the Quarter-master General's office for march of the 1st battalion 14th native infantry. The regiment will probably be able to set off in a few days, but it will be very ill equipped from hence.

The 86th is about 500 rank and file, even for that number we shall find a difficulty in procuring camp equipage, and was it not for the public cattle arrived with the 2d battalion 2d regiment, not a tent would be carried; we have no Dooly bearers, but must endeavour, if possible, to make one of the sick carts follow with the 2d battalion 2d regiment.

I have the honour, &c.

The Officer Commanding in Chief, Fort St. George.

(Signed) ALEX^r ADAMS, Lieut. Col.

N. B. The 86th regiment is commanded by Lieut. Col. Hastings Fraser, date of rank 7th September 1804; a very excellent officer.

To Lieutenant Colonel Fletcher, &c. &c. &c.

My dear Sir, Guntoor, 17th August 1809.

Since my express yesterday, I learnt last night, that after pay day, the soldiers of the Madras European regiment had some how or other procured arrack or spirits into the fort, and were in a state of intoxication for three days, and threw off all obedience to their officers; and that the six men I wrote you of had quitted the rest, and proceeded on their way to Madras, to deliver themselves up to Government. I suppose, however this may be, the officers sent a deputation to General Pater, to enter the fort on the 14th to take charge; on the same morning, however, the General had received an order from Government, to enter the fort at all risks, and to offer the men pardon and promotion in case of submission. He went, and strange to say, although I conceive the men would have come to terms, on the requisition of their officers as mentioned above, yet they refused to a man to accept of a pardon, unless their officers were included, and others * *attended*. The General has in consequence given the detail to Government.

(Signed) THOMAS JARRET, Collector.

(Copy)

(Signed) J. F. Collector.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir,

I have the pleasure to enclose copy of an express from the Collector at Guntoor, to Col. Fletcher, which, under existing circumstances, I thought it my duty to open, he being upon his route to Madras.

I forward it by express, in case General Pater should not arrive sooner. The six men mentioned by Mr. Jarret, were reported to me yesterday to be coming with their arms, &c. and I gave the necessary directions for their being properly taken care of, and commended for their conduct.

I have the honour to be, &c. &c.
(Signed) T. FRASER,
Collector.

Nellore,
19th August 1809.
5 P. M.

To the Chief Secretary to Government,
Fort St. George.

Dear Barclay, Gardens near Cochin, 12th August 1809.

I expect the Dewan by to-morrow or next day, and if after consulting with him on the posture of affairs, I find him not disinclined to proceed to Quilon, and that the state of my health will admit of it I shall go there, otherwise Major Blackburne must come here, or I shall send Mr. Macaulay to give over charge.

It was last night communicated to me in confidence, that the whole of the native force in this country, have formed the resolution of moving, having received no communication on the subject of this ferment from Government, nor any intimation from you of the intentions of Government, it must be obvious that my presence at Quilon under such circumstances, would be no less painful to myself than useless to the public.

I remain,
Dear Barclay,
Your's, sincerely,
(Signed) C. MACAULAY.

Lieut. Col. Barclay.

To the Chief Secretary to Government, Fort St. George.

Sir,

The enclosed is a letter which I took from the Tappal packet that arrived here last night, and which I think it my duty to forward to you according to the orders of the honourable the Governor in Council, dated 10th instant.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. COTTON,
W. A. A. in Charge.

Negapatam,
13th August 1809.

My dear Robert, Mount, 10th August 1809.

I replied to your letter, dated from Tourgoody, the day before yesterday, and addressed my answer to you at Negapatam, to which place you then supposed you were journeying. I wish you would send for it, as I have an aversion to its being left for public inspection.

The same orders which deprived you of all military functions, have been very generally carried into execution at other stations; and the number of officers who have refused their signature to Sir George's requisition, may be termed the whole of the Coast Army. All those who have signed, and who in any way attempt to forward the ruin and dishonour of their countrymen and brother officers, will most assuredly be stigmatized and treated with the contempt they have so zealously earned from every man of integrity, however the present contest may be terminated.

Something is going on, but what is to result I know not; the encampment at the Race Stand is withdrawn; most of the European infantry are in our cantonment; where the remainder of the force is gone to I cannot tell.

Lord Minto is daily expected at Madras, the Ameer Baug is getting ready for his reception, and he has sent orders for General Malcolm and Colonel Close to await his arrival at this Presidency. Lord Minto has published a conciliatory address to his Bengal Army, from which we may augur favourably, I think, to our own ill trusted troops; the general opinion seems to be, that (with the exception of a few of the leaders who have been most turbulent) an amicable adjustment will take place; but it is, I hope, an erroneous opinion, that the Army will allow capital punishment to be inflicted on any man who has stood more forward in support of their rights and privileges than the others. It may be just policy that those few who have thus distinguished themselves, should be obliged to retire from the service; but it never can be just or generous that they should be given up to the cool revengeful hand which could be raised against them, by the detested system so tyrannically enforced by our present Government.

* Quere. With respect to the Army when * *recognized*, it will, nay must, ever be a situation of danger to an European in charge of native troops, so entirely has Sir George destroyed the respect which has heretofore been attached to the British character. The common topic of the Lascars in this cantonment to the servants is, " that not long before all white face gone; this Governor, very fine Governor, he tell black men that they better than white man, and that sepoy never to mind again one word they say."

This

This is a fact, and was uttered by a Laſcar who attends in my garden, and who the very day after this at the Mount ſaid, "I muſt make ſalam to him before he would come again; black man did not care for white man's orders now." [No. 2. F.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Pray tell me if you received my letter at Negapatam, and do not fail to tell me how you make it out at Tranquebar; have you received your pay. My ſalams to ſuch of your fellow ſufferers as I am known to, and believe me, as ever,

Affectionately your's,
MOOREALLUM.

The Chief Secretary to Government.

Sir, 16th Auguſt 1809.

I have the honour to acknowledge the receipt of your letter of the 11th inſtant, with the encloſure, and for the information of the honourable the Governor have to inform you, that I have ordered three hundred of His Majeſty's 12th regiment to proceed with all practicable diſpatch to Myſore, by the route of Carroor and Guzalhally Paſs.

I ſhall take care that the whole of the officers in the Southern Diviſion and Travancore, ſign the pledge or leave the corps they ſerve with.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) W. WILKINSON,
Col. Com. Southern Diviſion.

I expect to arrive at Dindigul to-morrow morning.

To A. Falconar, Eſq. Chief Secretary to Government, Fort St. George.

Sir,

Par. 1—A report has been prevalent yeſterday and to-day, at leaſt it was only yeſterday that it reached me in any manner entitled to very ſerious notice, that it is in the contemplation of the native troops ſtationed within this country, to move eventually upon the Carnatic.

2.—It cannot certainly be neceſſary for me to bring to the notice of an enlightened Government the awfully tremendous conſequences of ſuch an event. The departure of the troops from Travancore would aſſuredly form the ſignal for inſurrections and maſſacres here, of a nature too horrible to reflect on; theſe would extend to other parts of the Coaſt, and would in my judgment lead inevitably to the ſpeedy extinction of the intereſts of Great Britain, not alone on the coaſt of Malabar but in every quarter of India.

3.—I perform the painful duty of making this communication with a mind filled with grief, and diſtreſſed and afflicted beyond expreſſion.

I have the honour to be, &c. &c.
(Signed) C. MACAULAY,
Reſident.

Travancore,
13th Auguſt 1809.

The Chief Secretary to Government.

Sir, Dindigul, 18th Auguſt 1809.

I have the honour to communicate to you, for the information of the honourable the Governor, that I arrived here yeſterday morning, and according to the orders of Government have offered the pledge to ſign to the European officers of the 2d battalion 16th regiment native infantry. Major M'Donell is the only officer that has ſigned, and the other officers having choſen their places of reſidence, will leave this place to-morrow. I ſhall leave four companies at Dindigul under the command of Major M'Donell, and the other force I have ordered to Trichinopoly, where they will be obliged to remain on account of the march of the principal part of His Majeſty's 12th regiment to Myſore. I have herewith encloſed the copy of a letter from the honourable Lieutenant Colonel Stewart, which I received this morning; the letter itſelf I have ſent by expreſs to General Maitland at Columbo, as in caſe of any ſhips of war being there, the officers will be beſt capable of judging of their nature. and counteracting their deſigns. I ſhall march for Madura to-morrow morning, where I hope to arrive in three days.

I have the honour be, Sir,
Your moſt obedient ſervant,
(Signed) W. WILKINSON,
Col. Com. Southern Diviſion.

Sir, Quilon, 11th Auguſt 1809.

I have the honour to acquaint you, that ſince writing to you yeſterday, I have received intelligence that five ſuſpicious looking ſhips have been ſeen off this Coaſt, between Cochin and Aleppe, ſince the 8th inſtant; ſhould they prove to be enemy's veſſels, and attempt to land any troops in this country, I ſhall loſe no time in acquainting you.

(Signed) F. STUART,
Lieut. Col. Com. in Travancore.

(A true copy.)
(Signed) W. WILKINSON.
C. S. D.

Colonel Wilkinſon,
Commanding Southern Diviſion.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The Military Secretary to Government.

Sir, Dindigul, 18th Auguſt 1809.

I have the honour to forward to you, for the information of the honourable the Governor, a liſt of the officers names who have and have not ſigned ſince the laſt returns, with the places of abode of thoſe that have not ſigned.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) W. WILKINSON,
Colonel Commandt Southern Diviſion.

Names of Officers belonging to Corps on the Southern Diviſion, who have ſigned the Pledge ſince laſt return.

Camp, Dindigul, 18th Auguſt 1809.

No.	RANK and NAMES.	CORPS.	REMARKS.
1	Major Brice - - -	2d Battalion 24th N. I.	
2	M[c]Donnel - -	2d - 16th -	
3	Captain Seward - -	2d - 24th -	
4	Lieutenant Smith - -	D° - D° -	
5	M[c]Donald - -	D° - - D°	
6	Culcliffe - -	D° - - D°	
7	Enſign Harriſon - -	D° - - D°	
8	Hallier - - -	D° - - D°	
9	Aſſiſtant Surgeon M[c]Dowall -	D° - - D°	

N. B.—In the General Orders which contains the names of thoſe officers who ſigned the Pledge at Trichinopoly, Lieut. Weſt and Lieut. Jones, the latter of the 1ſt, and the former of the 2d battalion, 13th N. I. are returned in the 2d battalion 24th N. I.

(Signed) J. POWELL,
Major of Brigade.

Additional names of Officers belonging to Corps in the Southern Diviſion, who have refuſed to ſign the Pledge; with the place of reſidence choſen by each.

Camp, Dindigul, 18th Auguſt 1809.

No.	RANK and NAMES.	CORPS.	PLACE of RESIDENCE choſen.
1	Captain Man - - -	2d Battalion, N. I.	Tranquebar.
2	Chulty - - -	D° - - D°	Negapatam.
3	Lieutenant Williamſon -	D° - - D°	D°
4	Hall - - -	D° - - D°	Tranquebar.
5	Saunders - -	D° - - D°	Negapatam.
6	Waſton - -	D° - - D°	D°
7	Wellows - -	D° - - D°	Pondicherry.
8	Hunter - -	D° - - D°	Tranquebar.
9	Barnes - -	D° - - D°	D°
10	Enſign Hadder - - -	D° - - D°	Negapatam.
1	Hanſard - - -	D° - - D°	Tranquebar.

(Signed) J. POWELL,
Major of Brigade.

To the Chief Secretary to Government.

Sir, Mooraullum, 16th Auguſt 1809.

I have the honour to acknowledge the receipt of your letter of the 11th inſtant, with the enclоſure, and for the information of the honourable the Governor have to inform you, that I have ordered three hundred of His Majeſty's 12th regiment to proceed with all practicable diſpatch to the Myſore country, by the route of Caroor and Guzehally Paſs.

I ſhall

I ſhall take care that the whole of the officers in the Southern Diviſion and Travancore, ſign the pledge or leave the corps they ſerve with.

I have the honour to be, &c. &c.

(Signed) W. WILKINSON,
Col. Commanding Southern Diviſion.

I expect to arrive at Dindigul to-morrow morning.

To Alexander Falconar, Eſq. Chief Secretary, &c. &c. &c.

Sir,

Mr. Baber, the magiſtrate of Tellicherry, having intercepted a meſſenger from Captain Lemond of the artillery, bearing a letter of the moſt ſeditious, and, I may ſay, moſt rebellious tendency, I have conſidered that officer as having broken his faith pledged to Government, in the declaration which he ſigned on the 9th inſtant, and which I bound myſelf to obſerve, until Government ſhould honour me with its ſentiments; I have therefore ordered him to proceed to-morrow by the Coorg country, and to remain at Vernjurder Pit, until he receives orders either from Lieut. Colonel Davis or Mr. Cole to proceed. Mr. Baber has no doubt forwarded a copy of Captain Lemond's letter alluded to.

Under the preſent circumſtances, I think that ordering Captain Lemond to the preſcribed territory by the direct road would not anſwer, unleſs I ſent him under a guard, as he might go off and join the Travancore battalions; and as he will be perfectly ſafe by Coorg, and can be ſent to the place of reſidence which he may chooſe from Myſore without difficulty, I prefer it, and ſhall direct all other officers, who I may have occaſion to ſuſpend, to move by the ſame route.

I have the honour to report, for the information of the honourable the Governor, that I have put Lieutenant Brett of the artillery, a very deſerving young officer, in orders to take charge of the Commiſſary of Stores department, and to command the detachment of artillery, Lieutenant Watſon not being in a ſtate of health to do duty.

Since my letter to Lieutenant Colonel Barclay of the 16th inſtant, I have the pleaſure to add the names of two officers who have ſigned the declaration as propoſed by Government, they are Lieutenant Watſon 1ſt bat. artillery, and Mr. Aſſiſtant Surgeon Dyer, garriſon of Tellicherry.

I have the honour, &c.

Cannanore, 18th Auguſt 1809.

(Signed) BEN. FORBES,
Lieut. Col. M. and C.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c.

Sir,

I am honoured with your letter of the 9th inſtant in anſwer to mine of the 2d, conveying to me the honourable Governor's commands that I ſhall carry the orders of the 26th July into execution, which I ſhall certainly do ſo ſoon as I am favoured with an anſwer to my letter of the 9th to the Chief Secretary, which delay cannot be attended with any bad conſequence, as I have before declared I will not act decidedly at once, ſhould there be any occaſion previous to the anſwer arriving.

I know very well that the 80th regiment is equal to enforcing any order upon one battalion, and would without any heſitation do it upon two; but you, Sir, who know the Coaſt, muſt be aware that it is impoſſible to move a corps coaſtways, but by the moſt tedious marches in ſuch weather as we have had for two months paſt, raining inceſſantly, and in every march four or five nullahs and rivers impaſſable without boats, and as they muſt be croſſed near their mouths nearly for days together with boats, and many of them too, they could not be for a long while more than ſingly provided.

If I had marched North when I got the orders of the 2d or four days afterwards, I could not have been beyond Mangalôre, where one quarter of a battalion is poſted at this day, and it is many days ſince I was ordered to prepare for the Southward to ſupport Lieutenant Colonel Stuart. I have alſo received orders to be in readineſs to go up the country with my diſpoſable force, ſurely then my beſt poſt is in this centrical ſituation. Lieutenant Colonel Davis, or Lieutenant Colonel Stuart, may both want my aſſiſtance, but to which it will be directed depends upon orders from the former, but I could not have aſſiſted either of them by ten or twelve days, if ſo ſoon, had I gone to Mangalore inſtead of remaining here. Had I removed to the other poſts of the 5th battalion, I muſt have gone more than 150 miles further, in this ſeaſon twenty-five marches.

The news from Seringapatam makes me apprehenſive for the 9th at Quilon; if I could act at this juncture for myſelf, I would move to the South directly. But under orders to go the North, and to be ready to remove to Myſore, I do not like to take a ſtep without Lieutenant Colonel Davis's orders, under which I am placed by the Chief Secretary's letter of the 5th inſtant. All remains quiet.

I have the pleaſure of ſending the names of three officers, who have ſigned the declaration of the 26th of July as propoſed by Government; they are, Captain Fortune, 2d battalion 22d regiment native infantry; Captain Baber, 1ſt battalion 16th regiment; and Lieutenant Brett, 1ſt bat. artillery.

Accompanying is the copy of an anonymous letter ſent to Major Stuart of the 80th regiment; it came yeſterday poſt from Quilon.

I have the honour, &c. &c.

Cannanore, 16th Auguſt 1809.

(Signed) BEN. FORBES,
Lieut. Col. Commanding Malabar and Canara.

[No. 2. E.]
Enclosure No. 39. in Gen Lett. Sec. Dep. 10 Sep. 1809.

To the Chief Secretary to the Government.

Sir, Ammakenpaleam, 19th Auguſt 1809.

I have the honour to communicate to you, for the information of the honourable the Governor, that I yeſterday aſſembled the native officers of the 2d battalion 16th regiment native infantry in my tent, and informed them of the cauſe for removing the European officers from the battalion, and the confidence that Government has in their loyalty, &c. &c. which they received with warm expreſſions of loyalty, and not only ſaid they would ſerve Government faithfully, but likewiſe that they would endeavour to guard the ſepoys of other regiments againſt the perfidy and miſrepreſentation of the European officers. As I have ſome reaſon to ſuſpect that it is the intention of the officers of the 6th regiment native infantry, in the diſtrict of Tinnevelly, to retire into Travancore on my approach, and as it may be neceſſary that I ſhould enter into that country with the force under my command, I beg leave to ſuggeſt, if it may not be proper (to prevent any alarm in Travancore) that the Government of that country ſhould be informed of the cauſe of my entrance.

I have the honour, &c. &c.
(Signed) W. WILKINSON,
Colonel Commanding Southern Diviſion.

To Major General F. Gowdie, Commanding the Army in Chief.

The precarious ſtate of the connexion between the Government and the Coaſt Army loudly calling upon every loyal Briton to ſtep forward with promptitude, and to leave nothing unattempted which might promiſe to be in any way conducive to the reſtoration of that confidence and good order ſo eſſentially neceſſary for the preſervation of the ſtate; certain officers at this ſtation (having obtained permiſſion from the Officer commanding in Travancore) met together a few days ago, and drew up a reſpectful addreſs to the honourable Sir Geo. Barlow, Bart. and K. B. &c. &c. which having been ſubmitted to the honourable Lieutenant Colonel Stewart, was by him forwarded to Government direct; the ſhorteſt channel claiming the preference, as the exigency of the times admitted of no delay.

We have now the honour of enclosing a copy of that addreſs, which we ſincerely hope may be found to merit your approbation and ſupport.

The information which we have ſince obtained from the moſt reſpectable authority, of the means reſorted to by the officer commanding the Southern Diviſion of the Army, to arreſt ſuch of our brother officers as did not ſign a certain declaration tendered to them for that purpoſe, and of their treatment afterwards, has impoſed on us an indiſpenſible obligation of ſeizing the earlieſt opportunity to convey to you our firm and moſt ſolemn proteſt againſt the conduct of that officer, as tending not only to fully the honourable character of the profeſſion of arms, but to bring reproach and diſcredit on the Government, and diſgrace upon the hitherto untarniſhed name of the country at large.

We believe that this tranſaction is without a parallel in the modern hiſtory of civilized nations, even in their moſt inveterate conteſts of inteſtine war, and however much the reputation of that Army, which has now the honour of ſerving under you, may have been traduced, or its character miſunterpreted, ſurely no part of its conduct can be brought in juſtification, or even in excuſe for ſuch a deteſtable proceeding.

It is true, Sir, this Army, of which you are at the head, has been broadly ſtigmatized with the foul charges of mutiny and ſedition, and that part of it, with which we ſerve, held up to the public as prominently guilty; ſupported however by conſcious innocence, we have borne in ſilence the unmerited accuſation, reſting confident the time would arrive when Government undeceived, would come forward with a dignified acknowledgment, that we were not the men we had been deſignated to be.

We looked up to you, Sir, as being from long experience ſenſible of the ardent loyalty of this inſulted Army, beſt able to ſpeak in its defence, and to aſſure the Government it was impoſſible, that the men, amidſt whom you had ſpent ſo large a portion of your life, in an indefatigable diſcharge of every duty, under all hardſhips, and in every ſeaſon of difficulty and danger, could ever be guilty of ſuch infamous crimes. But we have liſtened in vain for the voice of the friend and defenders, and have diſcovered no trace of the protecting ſhield of the legitimate guardian of our rights and of our fame. Suffer us not, Sir, we moſt earneſtly beſeech you, to be driven to deſpair, interpoſe at this awful criſis between Government and the Army. It is not yet too late, a general amneſty for all that has paſſed, a diſavowal of Colonel Wilkinſon's conduct at Trichinopoly, and an aſſurance of future inquiry into alledged grievances, would, we are convinced, inſtantly produce the moſt ſalutary effects.

(Signed) A. Campbell, Captain 2d bat. 9th regt.—John Payne, Enſign 1ſt bat. 4th regt.—Alex. Balmain, Captain—W. M. Robertſon, Captain 1ſt bat. 4th regt.—W. Harries, Lieutenant 4th regt.—J. Pringle, Enſign 1ſt bat. 4th regt.—J. Dalzeel, Lieutenant 4th regt.—George Moor, Lieutenant—W. Williams, Lieutenant—W. Hargrave, Lieutenant 4th N. I.—A. Hammond, Lieutenant 4th regt. N. I.—Rob. Major 4th regt. N. I.—Richard Burn, Captain 1ſt bat. 2d regt.— Pepper, Captain 1ſt bat. 2d—E. Otborn, Lieutenant 2d—E. Blackman, Lieutenant—H. Field, Lieutenant—R. Swyer, Lieutenant—P. R. Enſign—W. Gordon, Lieutenant—John Enſign—A. Mackenzie, Lieutenant 2d bat.—E. Elphinſtone, Lieutenant—

Henry

Henry Sheen, Lieutenant 4th regt.—Andrew Libbald, Enſign 1ſt bat. 4th regt. N. I.—Alex. Macleod, Captain—Tho' Hicks, Lieutenant 2d bat. 9th regt.—J. Rodger, Lieutenant 9th regt.—Tho' Marrett, Lieutenant 9th regt.—G. Prendergaſt, 9th regt.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Quilon,
11th Auguſt 1809.

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I requeſt you will have the goodneſs to inform the honourable the Governor, that in compliance with the inſtructions conveyed in your letter of the 10th inſtant, I have this day carried the orders of Government into effect at this ſtation, and in conſequence thereof have ſuſpended all the officers here except four, there being only that number who would ſign the declaration.

I ſhall tranſmit the names to the Adjutant General according to orders.

I have made the following appointments this day:

1ſt Battalion 2d Regiment.

Major Matthews, His Majeſty's 19th, to Command.
Enſign Othea, - - - Ditto - to act as Adjutant.

1ſt Battalion 4th Regiment.

Major Chapter, His Majeſty's 19th, to Command.
Lieutenant Cox, - Ditto - - to act as Adjutant, until the pleaſure of Government ſhall be known, and
Captain Watts, His Majeſty's 19th reg. to act as Superintendant of Bazars.

In conſequence of having a conſiderable number of officers of the 19th regiment ſick, I have not been able to afford more officers to the above corps, particularly as I ſhall have to appoint an officer to-morrow to act as Adjutant to the 2d battalion 19th, the commanding officer of which, Capt. Campbell, has ſigned the declaration, as has alſo Captain Nixon, commanding Artillery.

As I do not think it would be prudent in me to quit the head-quarters of this force, until I ſee how matters will go on, I have ſent orders to Lieut. Col. Hall, commanding at Alleppe, to carry the ſame into effect without delay at that place. Cochin I cannot as yet manage, from want of officers, and I ſhall write to Col. Wilkinſon to the ſame effect with regard to Codagherry.

Immediately after ſuſpending the officers I aſſembled all the native officers, and explained to them the orders of Government; they have unanimouſly declared their attachment to Government, and that they will punctually obey all orders, and any officers whom I may appoint to command them.

The European officers who have been ſuſpended will leave this in the courſe of to-morrow, for the reſidences they may ſelect, within the limits appointed by Government.

I have the honour, &c. &c.
(Signed) P. STUART,
Lieut. Col. Commanding Travancore.

To Alexander Falconar, Eſq. Chief Secretary, &c. &c. &c.

Sir,

I have the honour to inform the honourable the Governor, that the whole of the officers of the 1ſt of the native infantry ſtationed at Bangalore, Jemaulabad and Onore, have decidedly refuſed to ſign any declaration whatever, aſſerting, that they have never ſigned any papers offenſive to Government, and that they are loyal to their King, Country, and the Government of Fort St. George.

Not knowing but the next hour may bring orders to move to Myſore or Southward, I cannot go North to ſet theſe officers to rights; and muſt therefore wait until I know what may follow on the ſubject, which will probably be intimated by you or Lieut. Col. Davis in two or three days.

I have not received any information from Lieut. Col. Davis, that he would want muſket ammunition, but thinking that moſt probable, I requeſted the Regent of Coorg to ſend me eight elephants, as the bullocks here are inadequate to carry a burthen up the Gauts at this ſeaſon; they are arrived, and will be kept with thoſe belonging to Government till I receive orders on this ſubject. They would be of the utmoſt ſervice in moving up or to the Southward, in carrying ammunition or arrack or tents for the 19th regiment; I have acquainted Lieut. Col. Davis of this.

I will forward copies of my correſpondence with Captain Gennys, commanding the 5th N. I. to-morrow.

I have the honour to be, Sir,
(Signed) BENJ. FORBES,
Lieut. Colonel,
Commanding in Malabar and Canara.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To Alexander Falconar, Esq. Chief Secretary, &c. &c. &c.

Sir,

Agreeably to my letter of yesterday, I now have the honour to transmit copies of my correspondence with Captain Gennys, commanding 1st battalion 5th regiment native infantry.

I have the honour, &c. &c.
(Signed) BEN. FORBES,
Lieutenant Colonel Commanding.

Cannanore,
21st August 1809.

To Lieutenant Colonel Forbes, Commanding the Force in Malabar and Canara.

Sir,

I have the honour to acknowledge the receipt of your letter of the 9th instant, with its enclosure, and agreeable to your directions I this morning assembled the officers present at head quarters, and read your letter to them; they all decline signing any paper and declaration of the kind; they also declare they have never signed any of the memorials which have been so obnoxious to Government.

The loyalty of the 1st battalion 5th native infantry, and its attachment to the Government under which its officers hold their commissions, has, I trust, never been doubted, and it is to be hoped that you will still continue to have that good opinion of them which you were formerly pleased to express.

I have forwarded copies to the different detachments from the corps, the result of which I shall have the honour of forwarding to you hereafter.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. GENNYS,
Captain and senior Officer in Charge of 1st bat. native infantry.

Mangalore,
12th August 180

To Captain Gennys, senior Officer in Charge of the 1st bat. 5th regt. native infantry, Mangalore.

Sir,

I received your letter of the 12th instant, this morning, and lose not a moment in expressing my astonishment, that with such sentiments as you and the other officers of your corps profess, you should decline signing the declaration which Government proposes.

I request of you to consider how reasonable it is that Government should require a specific assurance of fidelity from all those who maintain it, when it is known how generally disaffection exists amongst its officers, and surely the refusal of that satisfaction is inconsistent with the loyalty you feel, which I trust will, upon mature consideration, induce you to change your ideas on the subject. Do you and your Officers intend to convey in your letter the same pledge of fidelity as if you had signed the declaration, if so you make a distinction without a difference.

Please to assemble your officers, and state to them my earnest hope that they will sign the declaration, a copy of which I now forward, and thereby manifest to the Army their loyalty; they declare their determination to serve and support the Government, and I declare that their complying with this will materially do so; how then can they refuse?

I have the honour to be, &c.
(Signed) BENJ. FORBES,
Lieut. Col. Commanding.

Cannanore,
15th August 1809.

To Lieutenant Colonel Forbes, Commanding the Forces in Malabar and Canara.

Sir, Mangalore, 18th August 1809.

I have the honour to acknowledge the receipt of your letter of the 15th instant, and according to your instructions therein, I again assembled the officers of the corps under my command, and read to them your wish that they would sign the declaration of fidelity; they however still decline, and refer you to their former sentiments on the subject; at the same time they cannot help expressing their grief and regret at an account which has reached from Trichinopoly, which states that Colonel Wilkinson, commanding the Southern Division of the Army, has adopted the most violent and unprecedented measures, by degrading and insulting the officers of the honourable Company's service who were stationed there; these measures having of course been sanctioned by Government, must affect the feelings of every officer who holds a commission in their service.

I have the honour, &c. &c.
Signed) J. GENNYS, Captain.

P. S. I have the honour to forward the answers from the officers at Jemaulabad and Onore.

(A true copy.)
(Signed BENJ. FORBES,
Lieut. Colonel.

To Captain Gennys, in Charge of the 1ſt Battalion 5th Regiment Native Infantry.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir, Jemaulabad, 15th Auguſt 1809.

I have the honour to acknowledge the receipt of your letter of the 14th inſtant, with its enclosures, viz. "Copy of a letter to you from Lieutenant Colonel Forbes, and of a declaration ſaid to have been ſigned by the officers of the honourable Company's ſervice at Cannanore on the 9th inſtant," and after having attentively peruſed the ſame, as likewiſe Enſign Sennack, we beg leave to ſtate, that as we can view nothing in our paſt conduct but with ſatisfaction, we prefer to decline complying with the requeſt of Lieutenant Colonel Forbes, contained in his letter relative to affixing our ſignatures to the declaration above alluded to.

(Signed) THOs DOUGLASS,
Captain Commanding Detachment
1ſt bat. 5th native infantry.

To the Adjutant of the 1ſt Battalion 5th Regiment N. I.

Sir, Onore, 5th Auguſt 1809.

I have to acknowledge the receipt of your letter, dated the 12th inſtant, encloſing copy of a letter, &c. from the officer commanding in Malabar and Canara, to the officer in charge of the battalion, which, conformably to your letter, I have read to the officers of the detachment under my command; who have to report to you, for the information of the officer in charge of the battalion, that they and myſelf object to ſign the propoſed declaration, but beg to aſſure him we are loyally and firmly attached to our King and Country, and to the Government under which we hold our commiſſions.

(Signed) RD GUILLE,
Lieutenant Commanding Detachment
1ſt bat. 5th nat. inf.

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

In my letter of yeſterday, I had the honour of reporting to you that I had, in conſequence of their refuſal to ſign the declaration ſuſpended all the officers at this ſtation except four.

I omitted at the ſame time to mention, that (two days before) immediately on the publication of the order of the right honourable the Governor General in Council, theſe officers came to me, and ſignified their readineſs to march to the ſeveral deſtinations, as that order promiſed, all they wiſhed viz. an inveſtigation into the cauſe of the preſent agitation.

The two firſt copies of your letter of the 10th inſtant, have never come to hand; they muſt therefore have been intercepted.

I have received only the triplicate which came by the common Tappal, and addreſſed as a private letter.

I cannot conclude without mentioning, that from the commencement of the late unpleaſant events, the conduct of Major Scott, late commanding 1ſt battalion 4th, has given me much ſatisfaction; for although he has not ſigned the declaration, his conduct has been extremely moderate, and I attribute it principally to his exertions that tranquillity has been preſerved at this ſtation.

I truſt, therefore, that ſhould that officer on his arrival at the place of his deſtination, apply to the honourable the Governor in Council to be permitted to reſide with his brother at Mellore, he may be pleaſed to comply with that requeſt, or any that can with propriety be granted.

I have not yet aſcertained to what places all the officers may retire, but the paſſports I have already ſigned are generally to Cuddalore and Pondicherry.

I have the honour, &c. &c.

Quilon, (Signed) P. STUART,
20th Auguſt 1809. Lieut. Col. Commanding Travancore.

To the Chief Secretary to Government.

Sir,

It is with the greateſt ſatisfaction that I have to acquaint you, that ſince my letter of the 19th inſtant, informing you of the ſuſpenſion of moſt of the officers in this cantonment; that Major Scott, and almoſt all the officers of the 1ſt battalion 4th regiment, convinced upon more mature conſideration of the neceſſity of unconditional obedience to the orders of Government, have come forward and ſigned the declaration.

The example ſet by this corps will, I hope, be followed by moſt others in Travancore, and eventually by the whole Army, and be the means of reſtoring peace and tranquillity to the country.

The exertions of Major Scott to gain this point with his officers, and bring them to a proper ſenſe of their duty, have been unremitting, and I feel under the greateſt obligations to him.

I am happy alſo in being able to report, that eleven officers of the 2d battalion of 18th at Aleppe have ſigned the declaration; and I am in great hopes, when the reſt of the officers at that ſtation hear of the example of the 4th regiment, that they may be convinced of their errors, and ſign the required pledge of allegiance.

[No 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The conduct of Lieut. Colonel Hall, commanding at Aleppe, has been extremely satisfactory to me; and he also mentions having received very great support on the occasion from Major Boardman.

The officers of the 1st battalion 2d reg. have all left this place on their route to the place of their destination; but I am in hopes that they also, on a little reflection, particularly after the late events in Mysore, may also return to their duty.

I have this day ordered all the officers who, since their suspension, have signed the declaration, to resume their military functions.

I have the honour, &c. &c.

(Signed) P. STUART,
Lieut. Col. Commanding Travancore.

Quilon,
22d August 1809.

Sir, Quilon, 21st August 1809.

From various unexpected obstructions on the road I did not arrive at this place until the morning of the 19th, at the moment when the Company's European officers were assembled at the honourable Lieut. Col. Stuart's quarters, for the purpose of having the declaration of fidelity to the Government proposed to them. The result of this proposal has been made known to you; as soon as the European officers retired Lieut. Colonel Stuart assembled the native officers of the three native corps at Quilon; at his request I acted as his interpreter. Their full and most satisfactory declarations of fidelity and obedience have also been communicated to you.

My baggage was dispatched to Cochin on the morning of yesterday; I was prepared to embark in the afternoon for the same place, where Colonel Macaulay had informed me he should wait my arrival. Some unpleasant rumours of agitation in the native corps prevailed, and gradually gaining strength, although discredited by Lieut. Col. Stuart and me, induced him to express a wish that I would postpone my departure; I readily acquiesced. Major R. Scott, commanding the 1st battalion 4th regiment, expressed a wish also that I would attend a meeting of the European officers of his corps on the next morning, and unite my efforts with his to recal the officers to a proper sense of their duty, and persuade them to subscribe the declaration. I promised to attend. In the course of the evening the rumours of agitation amongst the sepoys continued; and Lieut. Col. Stuart and Major R. Scott being of opinion that the presence of Lieut. Col. Macaulay at Quilon might be extremely useful, I wrote a letter (No. 1.) to Lieut. Col. Macaulay, urging his immediate appearance, and dispatched it by express. On the day that I arrived at Quilon I received a letter from Lieut. Col. Macaulay, excusing himself from meeting me here; but on this day letters had been received from him by Lieutenant Col. Stuart and Major Scott, exhorting obedience to the authority of the Government, and proffering his mediation for clemency and forgiveness. I did not hesitate therefore to call upon him to take an active, decided and personal part.

At ten A. M. this morning, I met the officers of the 1st battalion 4th regiment, at Major Scott's quarters; after some conversation, Major Scott in private explained to me the sentiments of his officers. He said, he was hopeless that they would sign the declaration unconditionally, but he thought that they would sign it if Lieutenant Colonel Stuart would permit them to state to him verbally, after affixing their signatures, that in the event of being required to act against their brother officers in the field, they would resign their commissions. I observed, that I could not perceive any difference between a verbal and a written reservation; that, after the orders which Lieutenant Colonel Stuart had received, it did not appear to me that he could acquiesce in this reservation, and I could not propose to him an act inconsistent with his public duty. After much discussion it was evident to me, that unless some hopes were given to the officers that they would not be required to act against their brethren, they would embrace dismission and ruin, rather than sign the declaration. I returned to Lieutenant Colonel Stuart and consulted with him, whether, if the officers signed the declaration unconditionally, he could allow it to be understood, that he and I would unite in a request to you, Sir, to permit the corps to remain at Quilon until tranquillity should be restored. Lieutenant Colonel Stuart was extremely averse to any deviation from the instructions which he had received; the force of his obligations was irresistible, and I determined not to press upon him any share of the responsibility, which I was not unwilling to incur for the attainment of an object which both of us considered as of the highest importance to the public interest. I rejoined the officers of the 1st battalion 4th regiment; during a long conference with them, Major Scott and I exhausted every argument which suggested itself to our minds, not unprepared for the occasion, to induce the officers to sign the declaration unconditionally. The Officers admitted, that they were fully sensible of the criminality of the measures which had been resorted to, and of the certainty that perseverance in them would terminate speedily in irretrievable ruin; but they shuddered at the idea of the dreadful violation of their engagements, however imprudent and criminal, which would be involved in their taking up arms against their confederates. I then proposed to them to sign the declaration unconditionally, under an assurance from me, that I would represent their conduct in its proper light to you, Sir, privately; and request as a favour to them and to me, that they should be permitted to remain with their corps at Quilon until tranquillity should be restored. To this proposal they finally acceded, and signed and sent the declaration without condition, reserve, or remark, to Lieutenant Colonel Stuart.

The importance of reclaiming a complete corps of officers to their duty, appeared to me to be very great. A certain consequence in this quarter is the preservation of tranquillity

amongst

amongſt the native corps, one of which, notwithſtanding the declarations of the native officers, there is ſufficient reaſon to believe is in a ſtate of conſiderable diſcontent and internal agitation. The importance of this break in the chain, by which the officers of the native corps have been united, conſidered in a more extenſive light, is of ſtill higher importance to the public intereſts. It cannot be neceſſary to point out theſe conſiderations to you, Sir. [No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

I truſt, Sir, I have ſome credit with you for the conduct of the battalion of the 24th regiment at Trichinopoly, which was preſerved from the contagion of bad example by being at Tanjore; for the ſacrifice which I have made of private regard and friendſhip to public duty; and for the zeal and openneſs with which I have conſtantly inculcated ſentiments of ſubordination and obedience to authority, and came forward on every occaſion, officially or extra-officially, in which I conceived I might be uſeful.

If I receive no acknowledgment of this letter, I ſhall rejoice in the concluſion that my petition is granted, and that Lieutenant Colonel Stewart will be given to underſtand, that if he ſhould be compelled to march from Quilon, he may leave the 1ſt bat. 4th regiment in charge of the cantonment, and in completion of the line of poſts in Travancore. If my arrangement be rejected, indulge me, Sir, with the favour of being informed of it as early as poſſible,

I have the honour, &c. &c.
(Signed) W. BLACKBURNE.

To the hon. Sir G. H. Barlow, K. B.
&c. &c. &c. Fort St. George.

Quilon, 20th Auguſt 1809, 9th P. M. by Expreſs.

My dear Macaulay,

My baggage was on board, and I was on the point of embarking this evening for Cochin, but the events which have occurred, and thoſe which may be apprehended, make it impoſſible for me to leave this place as long as my ſtay can be in any degree important to the public ſervice; here, however, I have neither place nor much perſonal conſequence, you have both; and from your letters to Colonel Stuart and Major Scott, which I have ſeen, I am convinced that your inclination as well as ſenſe of public duty, will diſpoſe you to take an active and beneficial part. It is Colonel Stuart's opinion as well as mine, that your preſence here will have the beſt effect. Come, therefore, I entreat of you without a moment's delay. The buſineſs which preſſes is of the greateſt urgency. Every thing elſe may be arranged at leiſure.

Moſt truly yours,
(Signed) W. BLACKBURNE.

Sir, Fort St. George, 30th Auguſt 1809.

I am directed by Sir George Barlow to acknowledge his receipt of your letter of the 21ſt inſtant, and to convey to you his approbation of the zeal and alacrity which you have evinced in repairing to Quilon, and affording to Colonel Stuart the aid of your talents and judgment, in carrying into execution the Orders of Government of the 26th ultimo.

In requiring from the officers of the honourable Company's ſervice, the declaration (rendered neceſſary by the peculiar circumſtances of the times) preſcribed by thoſe Orders, the Governor in Council exacted nothing from them but what their commiſſions and the moſt ſacred obligations of their duty as ſoldiers and Britiſh ſubjects, bound them to perform; and it muſt be obvious to you, that every principle of juſtice and policy required that thoſe officers who refuſed to affix their ſignatures to the declaration, ſhould be removed from the exerciſe of their military functions, and ſhould be deprived of all authority over troops, which they were unwilling to lead to the ſupport of the Government of their country, which was menaced by a large proportion of its rebellious officers.

It muſt be equally obvious to you, that it was the indiſpenſible duty of thoſe officers to ſupport the authority of the Government under which they ſerved, againſt all its enemies of whatever deſcription, and that conſequently the Governor in Council could not poſſibly accept from them any qualified declaration, which would exempt them from the performance of their duty in the ſuppreſſion of a rebellion which threatened the total deſtruction of all legal Government, and of the Britiſh empire in India.

Sir George Barlow has been guided by theſe principles, in requiring the declaration of allegiance from the officers of the Company's Army of this Eſtabliſhment; you will be aware that any reſervation, any condition or indirect promiſe of the nature alluded to in your letter, would completely counteract and do away every advantage which that declaration was calculated to enſure, and would in fact render the declaration null and void.

Sir George Barlow perfectly coincides in opinion with you, as to the great importance of reclaiming a complete corps of officers to their duty; but he is apprehenſive that an object ſo deſirable can never be effected, while it is neceſſary to promiſe them an exemption from the performance of one of the moſt ſacred obligations of their duty.

Had this exemption been admitted, it would ſcarcely have been neceſſary to remove any of the Company's officers from the exerciſe of their military functions, with the exception of thoſe who had actually been guilty of acts of open rebellion. But it will be apparent to you, that by ſuch a courſe of proceeding the Government would have bound itſelf to ſubmit to its own ſubverſion, without availing itſelf of the means at its diſpoſal for the maintenance of its authority, and for the ſuppreſſion of the illegal and rebellious combination which was its paramount duty to put down.

Under

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Under this view of the queſtion, Sir George Barlow feels confident that you will perceive, that any promiſe on his part to the officers of the 1ſt battalion 4th regiment, would be ſubverſive of the very object which your zeal for the public ſervice renders you ſo anxious to effect, and that inſtead of reclaiming them to a ſenſe of their duty, it would have the effect of confirming them in error.

Sir George Barlow has deſired me to aſſure you, that he fully appreciates the motives which have led you to adopt the courſe of proceeding communicated in your letter of the 21ſt inſtant, and to convey to you the high ſenſe he entertains of the benefits which have reſulted to the public intereſts, from your zealous and active exertions at the preſent unprecedented criſis.

I have the honour to be, &c. &c.

(Signed) R. BARCLAY,
Military Secretary.

Major Blackburne,
&c. &c. &c.

Sir, Fort St. George, 30th Auguſt 1809.

I have received, and laid before the honourable the Governor, your letters of the 19th, 20th and 22d inſtant, and I am directed by him to acquaint you, that your nomination of officers to the 1ſt battalion 2d regiment, and 1ſt battalion 4th regiment, and to the ſituation of ſuperintendant of Bazars, have been confirmed.

It was expected that the bare tranſmiſſion of your orders to the officers commanding at Aleppe, and the other detached ſtations under your command, would be ſufficient for having the inſtructions of the Governor in Council of the 26th July carried into effect, as has been proved in the only inſtance where that mode of proceeding has been adopted, and there can be no doubt of a ſimilar reſult, whenever the trial is made at Cochin and Odagherry.

Sir George Barlow will be diſpoſed to pay every attention to your recommendation of Major Scott's requeſt to be permitted to reſide at Nellore, when it comes before him, but ſome ſtrong objections appear to it at preſent. Sir George Barlow has been made acquainted, by Major Blackburne, with the whole ſtatement of the meaſures which ended in the ſubſcription of the declaration by Major Scott and a number of other officers of the 1ſt battalion 4th regiment, which is reported in your letter of the 22d inſtant, and which prove clearly that they have been prevailed upon to ſign that declaration, on their dependance upon the ſucceſs of the private repreſentation and requeſt which Major Blackburne engaged to make to the Governor in their favour, and therefore it could not be looked upon as an unconditional ſubſcription, as theſe officers did in the firſt inſtance refuſe to ſign the declaration, and were conſequently removed from the exerciſe of their military functions, and were ſubſequently induced to affix their ſignatures, under an expectation that the Governor in Council would be induced to promiſe that they ſhould not be called upon to act againſt ſuch of their brother officers as might be in a ſtate of actual rebellion, they cannot be conſidered as having given an unqualified pledge of allegiance to the Government under which they ſerve, and therefore ſtand exactly in the ſituation in which they were placed by their original refuſal to ſign the declaration, their ſuſpenſion from the exerciſe of all military functions will therefore be conſidered to have taken effect from the 19th inſtant, and you will direct them to proceed forthwith to the ſea-coaſt.

A change has taken place in the ſituation of affairs, and in the views and intentions of the diſaffected officers, which will now no doubt induce theſe officers to offer their moſt unqualified ſignature to the declaration; but as the Governor in Council is not yet prepared to reſtore to the exerciſe of their military functions thoſe officers who have been removed under the orders of Government of the 26th ultimo, thoſe Gentlemen muſt proceed to the places of reſidence they may ſelect upon the ſea-coaſt, there to await the pleaſure of Government reſpecting them. The great difference which exiſts between the feelings and motives which induced officers to ſign the declaration, before and after the receipt of the letter from Hydrabad of the 12th inſtant, will at once be apparent to you, and will guide you in receiving and publiſhing all unconditional and unqualified ſignatures tendered before the receipt of thoſe letters; and in removing from their functions all thoſe officers who may have originally refuſed to ſign, but who may have tendered their ſignatures ſubſequently to the knowledge of the ſubſcription to the pledge of the whole of the Hydrabad force. Major Scott and the officers of the 1ſt battalion 4th regiment, who have not given what can be conſidered an unconditional pledge of allegiance, and of their readineſs to obey the orders of the Government under which they ſerve, under all circumſtances, and to oppoſe all the enemies of that Government of whatever deſcription, cannot *now* be re-admitted to the exerciſe of their military functions, but in common with all other officers who have been removed, muſt repair without delay to the ſea-coaſt, there to await the deciſion of the Government reſpecting them.

I have the honour to be, Sir,
Your moſt obedient ſervant,

(Signed) R. BARCLAY,
Military Secretary.

The honourable Lieut. Col. P. Stuart.

To

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

To the Chief Secretary to Government.

Sir, Vaſſempatty, 25th Auguſt 1809.

I have the honour to communicate to you, for the information of the honourable the Governor, that as there is every appearance of the European officers of the native troops in Travancore being ſoon reformed, I have thought it adviſable to ſend the 6th native cavalry back to Trichinopoly, and have accordingly ordered that regiment to march to-morrow morning for Trichinopoly, retaining with the detachment one officer and twenty-four troopers, for the purpoſe of eſcorting to Madras the officers of the 2d battalion of the 6th native infantry, who may have been guilty of intercepting and opening the Government diſpatches. As ſoon as the honourable Lieutenant Colonel Stuart informs me that the principal part of the native corps in Travancore has been reformed, and not any riſk of oppoſition from the remainder, I ſhall return with the infantry to Trichinopoly.

I have the honour, &c. &c.

(Signed) W. WILKINSON,
Colonel Commanding Southern Diviſion.

To the Chief Secretary to Government, Fort St. George.

Sir,

I have the honour to report to you, for the information of the honourable the Governor in Council, that the whole force of Tondiman are aſſembled at or near Poodicottah, upwards of ſeven thouſand men, and that a ſelect body of three thouſand Peons, and fifty Moghul horſe, are kept in conſtant readineſs to join Colonel Wilkinſon when called upon, or to march as they may be directed by the honourable the Governor in Council.

The Tanjore Poligars are alſo aſſembled in their ſeveral Poliums, and amount to ſix hundred men, and are in readineſs to move when ordered.

I have the honour, &c. &c.

Tanjore, 27th Auguſt 1809. (Signed) J. BUTLER, Acting Reſident.

The Chief Secretary to Government.

Sir,

I have the honour to acknowledge the receipt of your diſpatch of the 18th inſtant.

I this morning convened all the officers in the honourable Company's ſervice at Cannanore, and tendered the declaration of fidelity, which was immediately ſigned by every officer; their names I have the pleaſure to tranſmit herewith, and ſhall forward a liſt of the reſt of the officers ſerving in Malabar and Canara when received, as I have no doubt of their following the example.

I have the honour, &c. &c.

Head Quarters at Cannanore, 25th Auguſt 1809. (Signed) BENJ FORBES, Lieut. Col. Comm: Malabar and Canara.

We, the underſigned officers of the honourable Company's ſervice, do in the moſt ſolemn manner, declare upon our word of honour as Britiſh officers, that we will obey the orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commiſſions which we hold from that Government.

(Signed) J. M. Vernon, Major 2d bat. 12th regt.—G. Waugh, Captain Madras European regt.—Edw. Wm. Morſe, Major of brigade Malabar and Canara—Wm. Ravenſhaw, Lieut. Engineers—J. Green, Lieut.—A. Smyth, Lieut. Deputy Judge Advocate—James Smith, Lieut. 2d. 12th—R. J. Tabois, Lieut. 2d. 12th—James Kelſon, Lieut.—John Scott, Lieut.—G. Roberts, Lieut.—G. Hutchinſon, Enſign—James Jameſon, Enſign—W. J. Jackſon, Enſign—L. Macdowall, Enſign—F. S. Watſon, Lieut. Artillery—W. T. Britt, Lieut. Artillery.

(A true copy.)

(Signed) BENJ. FORBES,
Lieut. Col. Com. Malabar and Canara.

Sir, Fort St. George, 31ſt Auguſt 1809.

I am directed by the honourable the Governor to tranſmit, for your information and guidance, the encloſed copy of a letter, dated the 30th inſtant, to Lieutenant Colonel the honourable P. Stuart, in Travancore.

I have, &c. &c.

Lieut. Col. Forbes, &c. &c. &c. (Signed) R. BARCLAY, Military Secretary.

To the Chief Secretary to Government.

Sir,

Encloſed I have the honour to tranſmit, for the information of the honourable the Governor in Council, tranſcript of a note from Captain Limond to Mr. Douglas, intercepted this morning; the concluding ſentence of which is too obvious to require commenting upon.

[No. 2. E.] Enclosure No. 39. in Gen Lett. Sec. Dep. 10 Sep. 1809.

I take this opportunity of acknowledging the receipt of your letter of the 15th instant, and the copy of the General Order of Government; the instructions contained in which shall be strictly observed.

I have the honour, &c. &c.
(Signed) T. H. BABER, Magistrate.

Tellicherry,
August 23d 1809.

Dear Douglas,

My butler comes in charge of my plate.

Do me the kindness to pay for me monthly forty-seven rupees, viz. 30 to Cuppage, and 17 to the butler. I am just going off, and can only repeat my advice, and hope you and all others will escape the hands of vice and treachery.

Yours truly,
(Signed) J. LIMOND.

2 o'clock, 19th P. M.

(True copy.)

(Signed) T. H. BABER, Magistrate.

To the Chief Secretary to Government, Fort St. George.

Sir, (Secret Department.)

Par. 1.—I had the honour to receive this morning only, your dispatches of the 10th and 15th instant, with their enclosures, and request your assuring the honourable the Governor in Council, that the injunctions contained in them shall be strictly observed.

2.—It is a source of satisfaction to my mind to have already anticipated, in the most essential points, the orders now received. I hold with abhorrence the spirit of insubordination that has recently exhibited itself; and it is equally consonant to my reason and my principles, as it is required by my duty, not only to discountenance such proceedings as appear to have taken place, but to pledge myself in the most solemn manner to maintain and support the authority of the Government in any manner, so far as my health will permit, that the honourable the Governor in Council may at this crisis of difficulty and danger command.

I have the honour to be, Sir,
Your very obedient humble servant,
(Signed) C. MACAULAY, Resident.

Quilon,
24th August 1809.

To Alexander Falconar, Esq. Chief Secretary, &c. &c. &c.

Sir,

I have the honour to report to you, for the information of the honourable the Governor, that all the officers at the head-quarters of the 2d battalion 22d regiment native infantry, have signed the declaration of fidelity to Government; the accompanying is a list of their names.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) BEN. FORBES,
Lieutenant Colonel Commanding.

Cannanore,
26th August 1809.

We, the undersigned officers of the honourable Company's service, do in the most solemn manner declare, upon our word of honour as British officers, that we will obey the orders, and support the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commissions which we hold from that Government.

(Signed) John Fortune, Capt. 2d. bat. 22d regt.—C. Bowen, Lieut. 2d bat. 22d regt.—W. Oliver, Lieut.—E. H. Leith, Lieut.—F. Crowe, Lieut.—G. Storey, Ensign 2d bat. 22d regt.—R. H. Hodges, Ensign.

(A true copy.)

(Signed) BEN. FORBES,
Lieutenant Colonel Commanding.

The Chief Secretary to Government.

Sir,

Since I had the honour of addressing you this morning, I have received a letter, addressed by Major Blackburne to Lieutenant Colonel Macaulay; the contents lead me to suppose something unfortunate either had or was about to occur at Quilon; be so good as to acquaint the honourable the Governor, that I am ready to move to the Southward without delay, should the public interests render it advisable. A copy of the letter above alluded to accompanies this dispatch.

I have the honour, &c. &c.
(Signed) BEN. FORBES,
Lt Col Commanding Malabar and Canara.

Head Quarters at Cannanore,
26th August 1809.

My dear Macaulay,

Quilon, 20th August 1809, 9 P.M.

My baggage was on board, and I was on the point of embarking this evening for Cochin, but the events which have occurred, and those which may be apprehended, make it impossible

[No. 2. E.]
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poſſible for me to leave this place as long as my ſtay can be in any way important to the public ſervice. Here, however, I have neither place nor much perſonal conſequence, you have both, and from your letters to Colonel Stuart and Major Scott, which I have ſeen, I am convinced that your inclination as well as ſenſe of public duty will diſpoſe you to take an active and beneficial part. It is Colonel Stuart's opinion as well as mine, that your preſence here will have the beſt effects; come, therefore, I entreat you, without a moment's delay, the buſineſs which preſſes is of the utmoſt urgency; every thing elſe can be arranged at leiſure.

Lieut. Colonel Macaulay,
&c. &c. &c. Cochin.

Moſt truly yours, &c. &c.
(Signed) W. BLACKBURNE.

To the Chief Secretary to Government, Fort. St. George.

Sir,

Owing to unforeſeen obſtructions on the road, I did not arrive at Quilon until the morning of the 19th inſtant.

The reſident Lieutenant Colonel Macaulay arrived at Quilon in the night of the 23d inſtant. I have had the ſatisfaction to find that his health is conſiderably improved, and am encouraged to hope that it may not be neceſſary for him to withdraw his ſervices from the Government at this important period.

I have the honour, &c. &c.
(Signed) W. BLACKBURNE,
Reſident in Tanjore.

Quilon,
25th Auguſt 1809.

To the Chief Secretary to Government.

Sir, Fort St. George.

Lieutenant Colonel C. Macaulay, the reſident at Travancore, has informed me that his health being in a conſiderable degree re-eſtabliſhed, it is his intention to decline availing himſelf of the leave of abſence which has been granted to him by the honourable the Governor in Council, and that he ſhall continue in the execution of the duties of his ſtation in Travancore.

Be pleaſed, Sir, to acquaint the honourable the Governor in Council, that, in conſequence of this information from the reſident at Travancore, I propoſe to return to Tanjour with all convenient expedition.

I have the honour, &c. &c.
(Signed) W. BLACKBURNE,
Reſident, Tanjour.

Quilon,
26th Auguſt 1809.

Sir, Quilon, 24th Auguſt 1809.

It is with extreme ſatisfaction that I inform you, that the officers of the 1ſt bat. 4th reg. native infantry, unanimouſly and voluntarily have releaſed me from the promiſe I made to them of private interceſſion with you, and have declared to me that they are to be conſidered as having ſigned the declaration without any condition or reſervation whatever, public or private.

They have adopted this reſolution on the pureſt principles of reſpect and obedience to Government; the example of this highly reſpectable corps of officers cannot fail of producing immediately the moſt beneficial effects on their miſguided brethren.

With reſpect to the conduct of the ſeven native battalions ſtationed in Travancore, your mind, Sir, may now be at eaſe.

I have the honour, &c. &c.
(Signed) W. BLACKBURNE.

The Hon. Sir G. H. Barlow, Bart. K. B.
&c. &c. &c. Fort St. George.

Dear Barclay, Quilon, 25th Auguſt 1809.

It is natural that I ſhould be concerned at the diſtruſt of me; that was too apparent before the late exploſion, but the continuance of which ſince has exceedingly diſtreſſed and affected me. It was long ago reported that Government had deliberated in ſuſpending me, for having ſigned an addreſs to Major Boles; when any diſcourſe paſſed reſpecting it, my reply was, that I relied too much on the juſtice of a Britiſh Government, to ſuppoſe it capable of adopting ſuch a meaſure towards me, without affording me an opportunity of explaining. Had any ſuch an opportunity been at any time afforded me, I was prepared to ſtate, that I diſavowed and diſclaimed the addreſs to Major Boles, which had been cenſured by Government, and that the addreſs for which I am reſponſible ſtill remains, to the beſt of my knowledge and belief, in the eſcruſtore of Lieutenant Colonel Cuppage. I am free to confeſs, that I regarded the caſe of Major Boles as one entitled to a conſideration, not at all as affecting Major Boles perſonally, but in its eventual application to every ſoldier. I ſaw a danger in inviting diſcuſſion in an Army, on ſo delicate a queſtion as the limit to obedience; and I certainly thought that Government ſhould loſe no portion of its dignity or its authority, by ſetting at reſt a queſtion which no human means could prevent the agitation of, while Boles and Capper remained ſuſpended; farther than this I never went. When I read the General Orders of the 1ſt May, and heard it whiſpered, that the ſuſpenſion of myſelf was alſo impending, I wrote to Colonel Cuppage for a copy of the addreſs, the only addreſs that I avow; I now tranſmit it to you as I received it from Colonel Cuppage. The paper

cenſured

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

censured by Government appeared to me open to censure, and I not only in conjunction with Colonel Cuppage disavowed it and disapproved of it, but I strongly urged its suppression; its suppression was in consequence promised, and measures for the purpose taken, but unfortunately one day too late. Here you have the history of that paper, in so far as I am concerned; respecting that now transmitted, it will appear strong, but it is nevertheless true, that when I authorized Cuppage to affix my signature, I had not read the paper. My signature having however been affixed to it, I must be considered as responsible, but then the paper itself still remains, and will perhaps ever remain, a dead letter.

I should hope that this explanation will be regarded as not unsatisfactory. The explanation is now due to my own character, and it will, I trust, remove from the mind of Sir G. Barlow, all suspicion of my being on any ground lukewarm in the cause of Government.

I remain, &c. &c.

Lieut. Col. Barclay. (Signed) C. MACAULAY.

Major Boles, &c. &c.

Sir,

We the undersigned officers of the Madras Army cannot refrain from expressing our deep regret at the severe punishment inflicted on you, for an act which, in a military point of view, appears to us to have been only necessary in obedience to constituted authority.

Without presuming to investigate matters of Government in its conduct towards you, or to question for a moment the policy of a measure which we do not profess to understand, we cannot but consider your case as peculiarly involving the dearest interests of the Army. We therefore feel ourselves called upon to declare our warm approbation of that conduct, by which you appear to us to have nobly supported the respectability of the situation in which you were placed.

In conveying to you, Sir, our sense of the public spirit which actuated you on late trying occasions, we cannot overlook the great personal inconvenience to which it has exposed you, and we shall feel proud in sharing with our brother officers the honour of paying monthly to your order, a sum equivalent to the allowances of which you have been deprived by your suspension from the service and from office.

We have the honour, &c. &c.

Camp, Paroor, (Signed)
23d March 1809.

Dear Macaulay, Seringapatam, 24th May 1809.

I received yours this morning. I send you the copy you desire, the original paper is still in my possession, and was not intended to be given Boles till I reached head-quarters. It may be proper for me to notice to you, that I have heard that your name appeared in copies of the address to Boles which came to Mysore.

I have quoted to General Gowdie the 2d paragraph of the address, and said, that it appeared to me a paper, thus addressed, was most honourable. I have not allowed any copy of this paper. I think you are entitled to it, as I subscribed your name by your desire.

Yours, with esteem,

Quilon, (Signed) J. CUPPAGE.
26th August 1809.

Dear Barclay,

All apprehensions of danger or of interruption to the due progress of public authority in this quarter have now happily subsided.

The judicious measures hitherto pursued by Colonel Stuart, and those in his contemplation, appear well calculated to promote and secure every object aimed at by Government. The judgment and the zeal of Major Blackburne have been opportunely exerted in aid of the public interests. Colonel Stuart, charging himself with the task of transmitting the detail of occurrences to Government, it only remains for me to congratulate Government on its enjoying the benefit of having, at such a crisis, in command here, an officer of the loyalty, zeal, and temper which distinguish Colonel Stuart.

I wrote you yesterday, and enclosed you a letter from Colonel Cuppage.

Major Blackburne also addressed a letter to Government, with intimation of my being restored to better health. I certainly think myself enabled to attend to my duties; and as there are several measures of considerable importance to the prosperity and comfort of this country and its inhabitants, under the Dewan's serious consideration, I should be desirous of remaining a few months longer to assist him with my local experience and influence, in introducing those salutary measures into practical operation. That on which I am most anxious, is the proposed commutation of tenures for military service into ordinary tenures, thereby laying a foundation for gradually eradicating the spirit of misrule which grows out of the military tenure.

The practice of levying fines, at the discretion of every officer of the Sircar, was carried to a height of abuse that has loudly called for a check; to correct this, and as an obvious preventive to various other abuses connected with the collection of the Government share of the

grain

grain crop and tree produce; it is in contemplation to ſelect from each revenue ſubdiviſion a certain number of the principal inhabitants as aſſeſſors, who ſhall at once form a check on the indiſcretion of the Sircar in the adminiſtration of juſtice, and be reſponſible that no more than the dues of the Sircar be levied from the cultivation; I formerly gave you a hint of this, but I delayed opening the ſubject further, until I could, in communication with the Dewan, aſcertain the practicability of the execution, not only with ſafety to the public peace, but with acknowledged benefit to all parties; there are other points, one of them indeed of a delicate nature, upon which I propoſed addreſſing Government when better informed and prepared; I ſhall therefore, unleſs Sir George Barlow wiſh it otherwiſe, endeavour to continue in charge here until the month of January or February next, by which time Government will have leiſure to conſider the ſubject fully.

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Major Blackburne would, I am confident, prove himſelf more competent to the taſk of conducting affairs here, than I can pretend to. I enjoy, however, the advantage of local experience, which, in relation to ſome of the meaſures in agitation, may be likely to compenſate for other defects.

I remain, &c. &c.
(Signed) C. MACAULAY.

Lieut. Col. Macaulay,
&c. &c. &c.

Dear Barclay, Quilon, 27th Auguſt 1809.

Colonel Stuart having this morning received the intelligence of the return to its duty, of the ſubſidiary force at Hydrabad, order will no doubt be reſtored immediately in every quarter. I ought to have mentioned to you privately, that the principal object that I had in view, by writing my official letter of the 13th inſtant, was to awake in the minds of the officers ſerving here, a better reflection than they ſeemed to beſtow, on the dreadful evils that might attend any ſucceſsful attempt on their part to delude their men into movement without authority; with this view I gave copies of it for circulation.

I remain, &c. &c.
(Signed) C. MACAULAY.

Lieut. Col. Barclay.
&c. &c. &c.

To the Chief Secretary to Government, Fort St. George.

Sir,

Subſequently to the diſpach of my letter to you of the 24th, having aſcertained that Colonel Wilkinſon had refuſed to receive the pledge offered by the officers of the corps here, and that it was his intention to march South, the proclamation of Government was immediately publiſhed on the morning of the fifth day after its arrival.

On taking meaſures, by Colonel Wilkinſon's deſire, to make the contents of the Proclamation known privately amongſt the native troops, I found that they were perfectly aware of its exiſtence, and of the intentions of Government in reſpect to them.

I have, &c. &c.
(Signed) J. HEPBURNE,
Collector.

Tinnevelly,
27th Auguſt 1809.

To Lieut. Colonel Barclay, Military Secretary to the Hon^ble the Governor.

Sir,

I have the honour to acknowledge the receipt of your two letters of the 21ſt and 22d inſtant, reſpecting the reinforcement offered to be ſent by the right honourable Lieutenant General Maitland, and have to communicate to you, for the information of the honourable the Governor, that I received a letter upon the ſame ſubject from General Maitland a few days ago, and immediately informed him, as well as Mr. Hepburne, Collector of Tinnevelly, that there was not any neceſſity for a reinforcement of troops either in Travancore or this diviſion.

From every information that I have lately procured, it appears certain, that the refractory officers are ready to ſubmit to the Government Orders of the 26th July. I however apprehend that ſome of them have gone ſuch lengths in deceiving the native troops, and preparing for revolt, that if I can procure ſufficient proofs, I ſhall conſider it incumbent on me to report the circumſtances to Government.

I expect to arrive at Pallamcottah on the 30th inſtant.

I have the honour, &c. &c.
(Signed) W. WILKINSON,
Col. Comm^g Southern Diſtrict.

Keyloor,
28th Auguſt 1809.

To the Chief Secretary to Government.

Sir,

I have the honour to tranſmit a liſt of the officers who have ſigned the declaration at Calicut.

I have the honour, &c. &c.
(Signed) BEN. FORBES,
Lieutenant Col. Commanding.

Cananore,
28th Auguſt 1809.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

List of Officers who have signed the Declaration at Calicut.

Captain Farrier - - -	2d Battalion - - -	22d Regiment	
Lieutenant Talbot - -	D°	D° - - - - - - -	D°
Lieutenant Budd - - -	D°	D° - - - - - - -	D°
Enfign Malton - - -	D°	D° - - - - - - -	D°
Lieutenant Drew - - -	1ft	D° - - - - -	17th D°
Enfign Duheaumer - -	2d	D° - - - - -	22d D°
Lieutenant King - - -	1ft	D° - - - - -	21ft D°

(Signed) BEN. FORBES,
Lieut. Colonel Commanding.

To the Chief Secretary to Government.

Sir,

I have the honour to communicate to you, for the information of the honourable the Governor, that all the officers preſent with the 2d battalion of the 6th native infantry, excepting four, have ſigned the pledge offered by Government on the 26th July laſt. The four officers who refuſed to ſign, are Captain Parminter, Lieutenant Maule, Enſigns Thompſon and Macleod; three of them have choſen Cuddalore for their place of reſidence, and Lieutenant Maule is ſent priſoner to Madras, for being concerned in ſtopping and breaking open public diſpatches. I have ſince aſſembled the native officers, and explained to them the object of the preſent meaſures of Government, and the ill conduct of many of the Company's European officers, with the confidence and high opinion that Government always had of the native officers and ſepoys, and its wiſh to do every thing for their comfort and happineſs; and they all expreſſed their gratitude for the conſtant care and attention that Government has always ſhewn for their welfare, and that they will never acknowledge or obey any other orders than thoſe that come from Government. Some of the officers on their way to the Coaſt, having expreſſed their wiſhes to ſign the pledges. I have given my opinion, that when officers have refuſed to ſign the pledge and quitted their regiment, it becomes then a queſtion with Government ſolely whether they ſhall be permitted to ſign the pledge and return to their regiment. The ſame opinion I have made known to Lieutenant Colonel Picton and the honourable Lieutenant Colonel Stuart.

Captain Townſend, Lieutenant Maule and Enſign Tweedie, appear to me to have been the principals in ſtopping and opening the public diſpatches, and againſt whom, I think, there is poſitive proof; they will ſet off to-morrow morning for Madras, eſcorted as priſoners by one European officer and thirty of the 6th regiment native cavalry.

Two evidences will ſet off to-morrow or the day following for Madras, and will report their arrival to Government. I have appointed Major Bruce, 2d battalion 24th regiment native infantry, to command the Tinnevelly diſtrict until the pleaſure of Government is known.

As all the officers of the ſouthern provinces, who have not ſigned the pledge, have been removed from their corps, I propoſe marching with the detachment for Trichinopoly in two or three days at furtheſt.

I have the honour, &c. &c.

Pallamcottah, 31ſt Auguſt 1809.

(Signed) W. WILKINSON.
Col. Com[s] S. D.

To the Honourable Sir G. H. Barlow, Bart. K. B. Governor, &c. &c. &c.

Dear Sir,

I had the honour to ſtate to you, in my letters of the 18th and 19th Auguſt, the grounds upon which I had abſtained from ſending immediately to the Coaſt the detachment I then propoſed; I have however, four hours ago, received from Colonel Stuart a letter, of which the encloſed is a copy, and I had not the ſmalleſt heſitation, the moment I received it, to direct a detachment of 550 men to embark for the purpoſe of joining him.

This I have done in the view at once of ſending Stuart a force to which he is accuſtomed, and with which his regiment is equally acquainted, and to relieve Wilkinſon, or more properly ſpeaking your Government, from detaching ſo far out of the general line of its action, a force of Europeans that may be probably called for elſewhere, and I have written to Colonel Wilkinſon to this effect.

I ſhall to-morrow have the honour of forwarding you my inſtructions to the commanding officer, which I flatter myſelf will meet with your approbation; and I have only further to add at preſent, that I ſincerely congratulate you on the happy effects that Colonel Stuart's good ſenſe and prudence, in my opinion, have produced to the Britiſh intereſts in the lower parts of the Peninſula; and if any man can congratulate another on ſo melancholy an event, I think I may both congratulate you on the mode and complete example that has been made before Seringapatam. It is in my mind the beſt of all poſſible examples, becauſe, if my information is true, its ſeverity appertains to Purneah's horſe, and not to His Majeſty's troops, which might have occaſioned hereafter unpleaſant diſcuſſions.

I have the honour, &c. &c.

King's Houſe, Columbo, Auguſt 29, 1809, 5 o'clock P. M.

(Signed) T. MAITLAND.

My dear Sir, Quilon, 20th Auguſt. [No. 2.-E]

I had the pleaſure of writing to you four days ago, and have now to inform you, that in conſequence of having yeſterday morning received a letter from Government, ſaying that nothing would be accepted of the officers but an unqualified ſignature of the original declaration ſent, and that in caſe of refuſal I was, without further reference and without the ſmalleſt delay, to carry the orders of the 26th ultimo into effect; I immediately aſſembled the officers, and only four agreeing to ſign the paper, I ſuſpended all the reſt from their military functions to the number of 44, and ordered them off as directed by Government; they are all going off quietly in the courſe of the day and to-morrow. Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

After I had diſmiſſed them, I aſſembled all the native officers, communicated to them the cauſe of the ſuſpenſion of their officers, and that Government placed the greateſt confidence in their fidelity, and expected the ſtricteſt obedience to all its orders. They behaved remarkably well, declared unanimouſly their firm attachment to the Government they had ſerved for ſo many years; that they knew no maſters but the Company, and were ready to ſacrifice their lives for them, and that they would implicitly obey any officers I might appoint to command them. I have appointed Major Mathews to command one, and Major Chaplin another fortunately the officer commanding the 2d battalion 9th ſigned the declaration and remains in command: the officer commanding the Artillery alſo. I think the ſepoys will be ſteady.

The accompanying copy of a letter I have juſt received from Cannanore; ſorry I am to ſay (though perhaps the dreadful example may be attended with good conſequences and tend to intimidate the reſt) that two of our ſepoy battalions, attempting to force their way into Seringapatam, have been cut to pieces, and only one officer, the commander of one of them brought in alive, though badly wounded.

Perhaps, therefore, as things have come to an open rupture, it may be better to ſend over the detachment from Ceylon, as Government ſeems determined to carry this point, though by force of arms. The Tanjour Polygars have been ordered under arms to ſupport Government, to the amount of 8,000 men and 2,000 of Tandyman's troops, all of which they ſay are to be depended upon. Major Blackburne, the new reſident, is arrived here.

Things aſſume ſuch different appearance every day here, that it is difficult to define what ought to be done. I ſhall write to-day to Mr. Hepburne, to ſay that if he cannot procure camp equipage and carriage, I will immediately ſend them from hence to meet the detachment.

(Signed) P. STUART.

Dear Sir, King's Houſe, Columbo, Auguſt 30th 1809.

I have now the honour of enclоſing you the inſtructions I have this morning given to Lieutenant Colonel Morice proceeding to join Stuart, which will demand little explanation.

My reaſon for directing him not to interfere in any way till he hears from Stuart, ariſes from a wiſh on my part to prevent the poſſibility of any act on the part of Morice, which, from our diſtance of ſituation here, might either not be in ſtrict conformity with or in conſonance to the orders of your Government. When he hears, however, from Stuart, he muſt then be aware of the actual ſtate of things, and will act accordingly.

I have the honour, &c. &c.

(Signed) T. MAITLAND.

The honourable Sir G. H. Barlow,
Bart. K. B. Governor, &c. &c. &c.

(Moſt Secret.)

Sir, King's Houſe, Columbo, Auguſt 30th 1809.

You are hereby directed to proceed with the force under your orders, if poſſible, to Manapar; but in the event of the circumſtances of the weather rendering it either a work of great time or of difficulty to reach ſo far to windward, you are authorized, on due conſideration, to change the deſtination of the veſſels now proceeding with you to Tutocoryn, which however I flatter myſelf, from the appearance of the weather, and the information I have received, will not prove the caſe.

I apprehend you will find proviſion already made for you at Manapar by Mr. Hepburne, and even to a greater extent than you may want, as the detachment now proceeding with you is not ſo ſtrong as I at one time intended; and with a view to your getting on rapidly, I have directed it to proceed without guns.

By an expreſs boat I ſent off laſt night, I have requeſted Mr. Hepburne to ſend down ſome perſon either European or native, to proceed with you on your march, and to get you the neceſſary ſupplies as you go along, in conſonance with the rules of the honourable Company's ſervice, with which you will ſtrictly comply.

The object for which you are ſent to the Coaſt, is to join Lieutenant Colonel Stuart at Quilon, and after you have opened a communication with him, you are diſtinctly to obey all orders you may receive from him.

From every account I am in poſſeſſion of, I am happy to ſay I have reaſon to believe perfect tranquillity exiſts in the part of the country through which you will march, nor do I ſee that there is any probability of your coming near any of the Company's Army, until you hear from Lieutenant Colonel Stuart, except at Oodagherry. In this place I underſtand that

[No. 2. E.] Enclosure No 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

that there is one battalion, and should you reach it antecedent to receiving any instructions from Colonel Stuart, you will follow the following directions.

You will write to the officer, whoever he may be, in command there, stating, that you are on your march by my orders, in consequence of an application from the Madras Government, to join Lieutenant Colonel Stuart at Quilon, that you are directed not to interfere in the smallest degree with any of the dissentions that have recently taken place on the Coast, that you could not mean therefore to interfere in the least with that garrison, and that you will only pass (which I understand you must do) under its works, that being the necessary route you must adopt.

It will be extremely desirable that you should not halt in the neighbourhood of this fort, and while on the one hand you will take care that the officers and men under you conduct themselves with every appearance of civility and good humour, you are on the other to discourage as much as possible all unnecessary communication; and should any application be made (of whatever nature it may be) referring to their present state, your answer is to be distinctly, that you know nothing of the matter, that you are proceeding quietly to join Colonel Stuart, and that until you hear from him the only answer you can give is, that you have no orders with regard to any thing connected with that subject; and the sooner you begin to pursue this course to the battalion at Oodagherry (unless you find that the orders of Government relative to the test have been carried into full effect after you commence your march) the better.

I conceive it to be hardly possible that, under the recent circumstances that have taken place, any difficulty can be made by this corps to your proceeding; should it, however, unfortunately turn out otherwise, you are to halt at the next convenient stage to that fort, and not to attempt forcing a passage till Colonel Stuart writes you upon the occasion.

You will take the utmost care to prevent the possibility of any deviation from the strict rules of military discipline on your march, and should any complaint be preferred to you by the natives, you are to pay them the utmost attention.

I have the honour, &c. &c.
(Signed) T. MAITLAND.

Lieut. Col. Morice,
3d Ceylon Regt. Com. Detachment.

Sir, Fort St. George, 6th Sept. 1809.

I have now the honour to acknowledge the receipt of your letter of which I have laid before Sir George Barlow, and am directed to acquaint you, that he entirely approves of the substance of your judicious communication to General Maitland as stated in that letter; your rapid progress to the Southward will have produced the most beneficial effect, in contributing to restore good order and subordination throughout those provinces, and will have rendered any reinforcement from Ceylon perfectly unnecessary.

You will be guided by your own discretion in regulating your movements after your arrival at Palamcottah.

It appears, however, to be advisable, until discipline and subordination are perfectly re-established throughout the territories under this Presidency, to maintain a disposable field force in the southern division.

I have the honour to enclose for your information, copy of a letter from Lieutenant Colonel Davis; as the reduction of the rebellious garrison of Seringapatam, and the change in the general situation of affairs, will preclude the necessity of employing so large an European force in Mysore; Lieutenant Colonel Davis has been directed to order the detachment of His Majesty's 12th regiment, on its route to Mysore, to march direct to Wallajahbad.

Whenever the situation of affairs to the Southward shall enable you to dispense with the services of the remainder of His Majesty's 12th regiment, you will be pleased to issue the necessary directions for its march to Wallajahbad.

It is left, however, entirely to your discretion, to determine when these instructions can, without inconvenience to the service, be carried into effect.

I have the honour, &c. &c.
(Signed) R. BARCLAY,
Military Secretary.

Colonel Wilkinson.

Sir, Fort St. George, 7th September 1809.

I have laid your letter of the 29th ult. before the honourable the Governor, and I am directed by him to acquaint you, that it was not the intention of the Governor in Council to limit the general controul of the officer commanding the southern division of the Army over the Travancore subsidiary force, to the term of the existence of the disaffection among the officers of the Army, and therefore, although tranquillity has been restored in Travancore, you will still consider yourself under Colonel Wilkinson's command.

The honourable the Governor, in consideration of the unexpected events in Travancore, which offered such strong grounds for refusing your entire confidence for a time to the officers of the Company employed on the staff in that country, will sanction the allowance of a Brigadier Major to Captain West, from the date of your first appointment of him to that duty, until you will be able to dispense with his services in that department: that authority will be communicated to you through the Secretary of the officer commanding the Army in chief; but the nomination of Captain Watts to be Brigade Major was not to be published in General Orders.

All

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

All the officers in the ceded diſtricts, and in the northern diviſion of the army, have either ſigned the declaration of the 26th July, or have been removed from the exerciſe of their military functions. Major General Pater thought proper to grant a pardon to the officers of the garriſon of Maſulipatam, and to ſome others in the northern diviſion, who had been moſt forward in acts of inſubordination; but the Governor in Council has diſavowed that pardon, and ordered the Madras European regiment, and the 1ſt battalion 19th regiment, to march to the Preſidency.

The commanding officers of corps, and ſuch others as had been moſt active in the mutiny at Seringapatam, have been placed in cloſe arreſt; and all the other officers of that garriſon have been placed in arreſt at large, and ſent to reſide at Anical until further orders. Arms have been reſtored to the troops, and officers of His Majeſty's ſervice have been appointed to the charge of them.

I have the honour, &c. &c.
(Signed) R. BARCLAY.

Lieut. Colonel
The honourable P. Stuart,
Quilon.

Sir, Fort St. George, Sept. 1809.

I am directed by the honourable the Governor to acknowledge the receipt of your letter of the 2d inſtant to the Chief Secretary, and to acquaint you, that Major Bruce has been this day appointed by Government to the command of the fort of Palamcottah and diſtrict of Tinnevelly, agreeably to your recommendation. The Governor approves of your reaſons for placing the 2d battalion 24th regiment in Palamcottah, and taking the 2d battalion 6th into the field with yourſelf.

The officers of the 1ſt battalion 2d regiment native infantry, appear to have offered their ſignatures to the pledge on the 28th Auguſt at Palamcottah, ſome time after the circumſtance of the Hydrabad ſubſidiary force having ſigned the pledge was known there, (which was not the caſe at Quilon, when the officers of the 1ſt battalion 4th regiment ſigned the pledge) you will find the intentions of Government reſpecting officers who may offer to ſign the pledge, after their knowledge of thoſe of the Hydrabad force having ſigned it, detailed in the copy which I had the honour to forward to you, of a letter addreſſed on the 30th ult. to Lieutenant Colonel the honourable P. Stuart, which require that the officers of the 1ſt battalion 2d regiment ſhould proceed to the places which they have choſen for their reſidence, and there await the final orders of Government reſpecting them.

Sir George Barlow approves of the directions which you have ſent to Lieutenant Colonel Morice.

I have the honour, &c. &c.
(Signed) R. BARCLAY,
Military Secretary.

Colonel Wilkinſon.

To the Chief Secretary to Government.

Sir,

I have the honour to tranſmit a liſt of officers who have ſigned the declaration at Jemaulabad, Cundapore, and Onore.

I have the honour, &c. &c.
(Signed) BEN. FORBES,
Lieut. Col. Commanding.

Cannanore,
2d September 1809.

Liſt of Officers who have ſigned the Declaration.

Jemaulabad.
Enſign Sinnock - - - 1ſt bat. - - 5th regt.

Cundapore.
Lieutenant Pierſon - - 2d bat. - - 3d regt.

Onore.
Lieutenant Guillie - - 1ſt bat. - - 5th regt.

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

(Private) Quilon, 4th Sept. 1809.

Dear Barclay,

The Dewan proceeds to-day towards Mawulkary. I introduced him to Major Blackburne, and after a long converſation on various ſubjects, they appeared mutually gratified, it being of great importance to remove the impediments that have been thrown in the way of the better opening of the road through the paſs of Arungaual, and the Dewan being of opinion that an inſpection of the work by him and by me would produce good, I propoſe in conſequence going over the ground ſoon.

I have juſt received a note from Colonel Stuart, which I encloſe. It is to be preſumed and hoped, that Colonel Wilkinſon will prevent the movement into this country of the troops from Ceylon.

I remain, &c. &c.
(Signed) C. MACAULAY.

Lieutenant Colonel Barclay,
&c. &c. &c.

[No. 2. E.] Enclosure No. 39. in Gen, Lett. Sec Dep. 10 Sep. 1809

My dear Colonel,

Part of the Ceylon detachment under Colonel Morice is arrived at Tutacoryn; they could not fetch Manapar on account of the currents. He is ordered to report to Colonel Wilkinson, but to commence his march immediately to Quilon. General Maitland, I suppose, has been induced to send it, from being doubtful what effect the business near Seringapatam might have on the rest.

I am desired by General M. to send camp equipage from hence immediately to meet them, but I suppose Colonel Wilkinson will inform them that their services will not be required.

Sincerely your's,

4th September 1809. (Signed) P. STUART.

To Lieut. Colonel Barclay, Military Secretary to the honourable the Governor.

Sir,

I have the honour to acknowledge the receipt of your letter of the 31st August, with its enclosure, and for the information of the honourable the Governor I have to report to you, that I have sent orders to Major Brice commanding at Palamcottah, to send to the sea coast immediately the officers of the 1st bat. 2d reg. native infantry, who I have given leave to remain there until the intentions of Government should be known. I think it necessary at the same time the honourable Governor should know, that on my tendering the pledge to the officers of the 1st bat. of the 6th reg. native infantry, the commanding officer Captain M^cDougall requested permission to read a paper to the officers before he signed it, which I acquiesced in, and he read the account of the officers at Hydrabad having signed; for what reason he read it before me I was at a loss to divine, as they must all have seen it before; whether it was to prevail upon the officers to sign or to confirm them in their wavering intentions, I am afraid it is now too late to ask.

I have this moment received a letter from Colonel Morice, a copy of which I have herewith enclosed. I likewise send a copy of a letter which I have received a few days ago from General Maitland, which I was in hopes it would not have been necessary to have taken any notice of; I have however sent a copy of it to Lieutenant Colonel Morice, repeating my desire that he should immediately return to Ceylon with the troops under his command.

I have the honour, &c. &c.

(Signed) W. WILKINSON,
Col. Commanding S. Division.

Sir, Tutacoryn, September 4th 1809.

I have the honour to acknowledge the receipt of your letter of the 2d instant, mentioning that the rebellion is completely subdued, and recommending me to return as soon as possible to the island of Ceylon. I feel much rejoiced at the termination of the unhappy dissentions that have taken place on the Coast; yet from the nature of my instructions, I should not feel myself warranted in pursuing any other line of conduct than what those instructions most distinctly point out, viz. to proceed, without interfering in the smallest degree with the quarrels that have taken place on the Coast, to join Lieutenant Colonel Stuart at Quilon. I have consulted with Mr. Hepburn, and propose commencing my march the moment the men are disembarked from the only remaining vessel, which I hope will be in the course of to-morrow, by doing which I am perfectly satisfied I am acting up to the orders of the Lieutenant General, and earnestly hope my proceeding on will also meet with your satisfaction.

I have the honour, &c. &c.

(Signed) C. MORICE,
Lieut. Col. 3d Ceylon Regt.
Commanding a Detachment.

Colonel Wilkinson,
Commanding Southern Division.

Sir, King's House, Columbo, August 30, 1809.

Since I had the honour of addressing you last night, I have received private intelligence of your having arrived at Palamcottah, but as the troops had been previously actually embarked for the purpose of proceeding to the Coast, and as I am aware of Colonel Stuart's anxiety to have a reinforcement of the description I now send over, I have directed the detachment to proceed upon its destination, ordering, however, Lieutenant Colonel Morice to report himself to you, and to communicate fully with regard to the orders which he has received from me relative to his conduct.

I have the honour, &c. &c.

(Signed) T. MAITLAND.

Colonel Wilkinson,
Commanding Southern Division.

P. S. My object in sending you this is to prevent your leaving any force in aid of Stuart, as it may be material as much as possible to keep them to the Northward, but you at the same time have my personal leave to order Morice immediately back; but I must positively request, as senior to you, that the force under Morice be applied to no other purpose than is borne in my instructions to him, till he receives a distinct order from the Government of Madras upon the subject.

(Signed) T. M.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir, Fort St. George, 21st August 1809.

I am directed by the honourable the Governor to transmit, for your information and guidance, the inclosed copies of a letter from his Excellency Lieutenant General the right honourable Thomas Maitland, Governor of Ceylon, to Sir George Barlow, under date the 8th instant, and of the enclosures, No. 1 and 2, mentioned in it.

Sir George Barlow requests that you will immediately open a correspondence with Major Hankey, who has been sent over by General Maitland to Palamcottah, for the purpose of making preparations for the transport and reception of the troops which his Excellency proposes sending over to reinforce Colonel Stuart in Travancore, apprizing him that the troops in that country have been recently placed under your orders; in the event of your deeming those reinforcements to be necessary, under the circumstances of your own near approach to Travancore, you will unite your endeavours with those of the civil authorities in Tinnevelly, to expedite the equipment pointed out by General Maitland for the transport and reception of the troops, whose operation you will afterwards direct.

Should the situation of affairs in Travancore, at the time of your receiving this letter, appear to you to render the reinforcement unnecessary, you will apprize Major Hankey distinctly of the same. Sir George Barlow authorizes you to correspond with General Maitland on the subject of this dispatch.

I have the honour, &c. &c.

Colonel Wilkinson. (Signed) R. BARCLAY,
Military Secretary.

Sir, Fort St. George, 22d August 1809.

Since I had the honour of writing to you last night, on the subject of Major Hankey's deputation from Columbo to Palamcottah, Sir G. Barlow received a letter from Mr. Hepburn, informing him that Major Hankey had satisfied himself of the necessity of the intended reinforcement to Lieutenant Colonel Stuart, and had returned to Columbo, and that Mr. Hepburn had taken measures for sending vessels from Tutacoryn to bring over the troops, and also for providing cattle and provisions for them at Manapar.

Those troops may therefore be expected on the Coast before any measures could be taken for stopping them, if you should be of opinion that their assistance might be dispensed with, and you will of course employ them to the best advantage for the public service.

A private Tappal has been established by Messrs. Parish and Hepburn, which you may make use of with advantage after you pass Madura.

I have the honour, &c. &c.

Colonel Wilkinson. (Signed) R. BARCLAY,
Military Secretary.

Sir, Madura, 7th September 1809.

Although my letter to you from Quilon, of the 24th ultimo, has superseded the necessity of any particular answer to the letter from Lieutenant Colonel Barclay, of the 30th ult. which you have been pleased to favour me with, I cannot refrain from offering to you the homage of my gratitude, and expressing my admiration of the manner so truly delicate and liberal, in which you have corrected the error I committed. I never for a moment feared that you would mistake or misconstrue my motives, neither could I anticipate the consideration which you have shewn to them; the sacred obligations of public duty, I should not, I trust, be capable of deserting or evading under any circumstances whatever, but I shall perform them for the future with additional zeal, and pride and pleasure.

Every principle and sentiment expressed in Lieutenant Colonel Barclay's letter has my entire and cordial concurrence.

As no public inconvenience has followed the request conveyed in my letter of the 21st ult. it will not now be displeasing to you, Sir, considering the shameful personality which has been mixed with the proceedings of the Army, that an entire corps of officers should have thrown themselves upon your personal benevolence for indulgence and favour.

I have the honour to be, &c, &c.

The Hon. Sir G. H. Barlow, Bart. K. B. (Signed) J. P. BLACKBURNE.
&c. &c. &c. Fort St. George.

Lieutenant Colonel Barclay, Military Secretary to the honourable the Governor.

Sir, Veroodapatty 8th September 1809.

I have the honour to forward to you herewith, for the information of the honourable the Governor, the copy of a letter which I have received from Lieutenant Colonel Morice, commanding a detachment from Ceylon.

I have the honour, &c. &c.

(Signed) W. WILKINSON,
Col. Comm[t] S. D.

Sir, Camp, Chickleygody, September 6, 1809.

I have the honour to acknowledge the receipt of your express of the 5th instant, and shall, agreeably to your directions, immediately return to Tutacoryn, and there take the earliest opportunity of reimbarking with the force under my orders for the island of Ceylon.

I have the honour, &c. &c.

To Colonel Wilkinson, (Signed) C. MORICE,
&c. &c. Lieut. Col. 3d Ceylon Regt.

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 19 Sep. 1809.

My Dear Sir, Cannanore, 5th September 1809.

As Captain Snow has addreſſed the officer in command of the Army, on the ſubject of Staff Promotion, I would moſt willingly have mentioned him officially to Sir G. Barlow, but for the conſideration that my doing ſo would rather injure than ſerve his cauſe; as you are Snow's friend, it perhaps may be material for his intereſt that you ſhould know, you might with confidence repreſent him as a zealous ſupporter of Government, extremely attentive to his duties, and in my opinion well qualified for the higher ſtaff of the Army. I ſincerely hope that he may ſucceed, although the loſs of his ſervices would be ſincerely felt by me whilſt I hold this command.

I remain, &c. &c.

Lieut. Col. Barclay, &c. &c. &c.

(Signed) BEN. FORBES.

To Lieutenant Colonel Barclay, Military Secretary.

Sir,

I have the honour to acknowledge the receipt of your letter of the 30th ultimo, and requeſt you will inform the honourable the Governor that I have in compliance therewith, iſſued orders for the ſuſpenſion of all officers in Travancore, who were induced to ſign the declaration ſubſequently to the arrival of the accounts from Hydrabad.

I requeſt alſo that you will ſtate to Sir George Barlow, that Major Scott and the officers of the 1ſt battalion 4th regiment, withdraw the reſervation which was made in their favour by Major Blackburne, releaſed him from all promiſes whatever, and ſigned the pledge unconditionally and unreſervedly, three days before any account was received here of the Hydrabad force having done ſo.

Under theſe circumſtances, according to the tenor of your inſtructions, I have reinſtated thoſe officers in the ſituations they before held.

Major Chaplin of the 19th, having in conſequence been removed from the command of the 1ſt battalion 4th regiment, I have ſent that officer with one captain, 92 ſubalterns, to Oodergherry, to take charge of that poſt, as all thoſe who are now there come within the limits of the preſent order for ſuſpenſion.

I am prevented by indiſpoſition from forwarding to-day correct returns of the officers, as they will ſtand after this arrangement, but I hope to be able to do ſo in a day or two.

I have the honour, &c. &c.

Quilon, 6th September 1809.

(Signed) P. STUART, Lieut. Col. Commanding Travancore.

Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

Par. 1.—In conformity to the intentions I communicated in my letter of the 8th inſtant, I aſſembled the officers of the honourable Company's ſervice at Cannanore this morning, and acquainted them that as I had not poſitively aſked them whether they would or not ſign the declaration tendered by Government in the firſt inſtance; I now propoſed a paper for their ſignature, and requeſted thoſe officers who were inclined to ſtep forward, to affix their names; a few did. I tranſmit herewith a liſt of them, No. 1, the reſt declined, who I immediately ſuſpended from military duty, and directed them to proceed immediately to the ſtations pointed out in orders; No 2, is a liſt of officers ſuſpended; and No. 3, is copy of the orders I have deemed neceſſary to iſſue.

2.—You will obſerve an addition is made to the declaration, I tranſmitted a copy of it in my letter of the 8th inſtant, which is a determination to ſupport the Government againſt all enemies whatſoever.

3.—Major Vernon, and the Adjutant of the 2d battalion 12th regiment, and Captain Haugh, Barrack Maſter, having repreſented that they require ſome time to ſettle their public accounts, I have permitted them to remain at Cannanore till that duty is arranged; the reſt of the ſuſpended officers will leave Cannanore on the 12th inſtant.

4.—Lieutenant Drew of the 17th regiment, refuſed to ſign the paper, but as he has the permiſſion of Government to proceed to England on ſick certificate, I did not interfere with him; Captain Gordon 5th regiment, Lieutenant Scott and Enſign Haduway of the 2d battalion 12th regiment, being ſick, I ſhall tranſmit their ſentiments to-morrow.

5.—The officers of the detachment of the 1ſt battalion 5th regiment now here, ſigned the declarations I propoſed to the officers of this ſtation, as I did not conſider it neceſſary to frame a ſeparate one for them.

6.—I have made the neceſſary arrangements for carrying the orders into effect, with the officers of the 2d battalion 22d regiment.

The ſtations which may be fixed on by the officers for their future reſidence, alſo the reſult of any communication with the officers at Tillecherry, will be reported to-morrow.

I have the honour, &c. &c.

Cannanore, 10th Sept. 1809.

(Signed) BEN. FORBES, Lieut. Col. Commanding in Malabar and Canara.

We, the underſigned officers of the honourable Company's ſervice, do declare upon our word and honour, as gentlemen and officers, that we ſigned the declaration of fidelity tendered by the Government of Fort George, under the Government Orders of the 26th July, when ſubmitted to us by the officer commanding the provinces of Malabar and Canara

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Canara, without being induced to do ſo, by the knowledge we had of our brother officers at Hyderabad having returned to their allegiance, and that we were prompted ſolely by our own conſciouſneſs of the propriety of the act; to which we further add our determination to ſupport the Government of Fort St. George againſt all enemies whatever.

(Signed) W. Snow, Major of brigade.—W. Ravenſhaw, Lieut. Engineer.—Thomas Douglas, Captain 1ſt bat. 5th regt.—Ja^s Smith, Lieut. 2d bat. 12th regt.—T. H. Travers, Enſign 1ſt bat. 5th regt.—C. F. Smith, Deputy Judge Advocate.

True copy of the ſignatures.

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

Names of officers who were ſuſpended the ſervice by Lieutenant Colonel Forbes, on the 10th September 1809, under the Government Orders of the 26th July.

Major Vernon	2d bat.	12th regt.	
Captain Waugh	Barrack Maſter.		
Lieutenant Green	2d bat.	12th regt.	
Lieutenant Tabvis	D°	D°	D° D°
Lieut. and Adj. Kitſon	D°	D°	D° D°
Lieutenant Roberts	D°	D°	D° D°
Enſign Hutchinſon	D°	D°	D° D°
Enſign Jameſon	D°	D°	D° D°
Enſign Jackſon	D°	D°	D° D°
Enſign Macdowall	D°	D°	D° D°

True liſt.

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

Head Quarters at Cannanore, 10th September 1809.

Orders by Lieutenant Colonel Forbes.

The following arrangements will take place from this day.

2d battalion 12th regiment.

Captain Snow, 12th regiment N. I. to command without prejudice to his ſtaff ſituation.

Lieutenant Ja^s Smith to act as Adjutant, Lieutenant C. T. Smith, Deputy Judge Advocate, will do duty till further orders.

Mr. Middleton, Quarter-maſter His Majeſty's 80th regt. will receive charge of the Barrack-maſter's Department, from Captain Waugh.

(Signed) BEN. FORBES, Lieut. Col.
Commanding in Malabar and Canara.

My dear Sir,

I doubt if Sir G. Barlow will approve my conduct in offering any further declaration to the officers of this command, but certainly the one which ſome of them have this morning ſigned is a clincher, and will I hope be taken as ſatisfactory.

I have not given Snow charge of the Barrack-maſter's department, becauſe he is ſo overwhelmed with buſineſs. He, you know, has an increaſing family, and being, as I ſtated to you the other day, ſo deſerving, I am in hopes he may be appointed to it.

Sept. 10, 1809. Your faithful Servant,
Lieutenant Colonel Barclay, (Signed) BEN. FORBES.
&c. &c. &c.

I ought to tell you that Snow had determined to ſign the teſt before he knew of the Hydrabad buſineſs; nay, I believe, he would have ſigned the original one, had I not accepted the modification; this he intimated to me before it was rejected by Sir George.

(Signed) B. F.

Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I have the honour to tranſmit, No. 1. a liſt of officers who have ſigned the declaration at Cannanore and Tellicherry ſince writing yeſterday. No. 2. is a liſt of thoſe who have refuſed, and who I have conſequently ſuſpended from military duty, and directed to proceed forthwith to the ſtations pointed out in Government Orders.

I beg leave to call your attention to my letter of the 10th ultimo, addreſſed to the Chief Secretary, reſpecting Mr. Acting Conductor Evans.

I ſhall have the honour of addreſſing you to-morrow.

I have the honour &c. &c.

Cannanore, (Signed) BEN. FORBES,
11th September 1809. Lieut. Col. Commanding.

Liſt of Officers who have ſigned the Declaration tendered yeſterday.

H. Gordon, Captain 1ſt bat. 5th reg.—R. H. Hodges, Enſign, 2d bat, 22d reg.

True copy of ſignatures.

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

[No. 2. E.]
Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

List of Officers who have refused to sign the Declaration tendered on the 10th, at Tellicherry, and 11th instant, at Cannanore.

Cannanore.

Lieut. Scott	2d battalion	12th regiment.
Ensign Hadaway	D° - D°	D° - D°

Tellicherry.

Lieutenant Bowen	2d battalion	22d regiment.
Lieutenant Oliver	D° - D°	D° - D°
Lieutenant Leith	D° - D°	D° - D°
Lieutenant Crowe	D° - D°	D° - D°
Ensign Story	D° - D°	D° - D°

(True List.)

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

Sir, Fort St. George, 14th September 1809.

I have received and laid before Sir George Barlow your letter of the 5th and instant with their enclosures, as the officers of the 2d battalion 6th regiment refused at first to sign the pledge, and only signed it after they had heard that it had been signed by those of the Hydrabad subsidiary force; they will not fail to be removed from the exercise of their military functions, and sent to the sea coast, agreeably to the orders communicated to you in my letter of the 31st ultimo.

I have the honour to be, &c. &c.

Colonel Wilkinson. (Signed) R. BARCLAY, M.S.

Lieutenant Colonel Barclay, Military Secretary to the honourable the Governor.

Sir,

I have the honour to acknowledge the receipt of your letter of the 6th instant, with its enclosures, and for the information of the honourable the Governor I have to acquaint you, that considering the native officers and sepoys as perfectly uncontaminated with any kind of disaffection to the treasonable plans of the European officers, which their baneful effects made plain to them, that although I am confident it would have been better had there been more of the European officers removed from the Army in Travancore and Cochin, I yet think there is not at present the least probability of any mischief arising from disaffection in the southern provinces: I have accordingly, in acting upon that supposition, marched the detachment from Palamcottah towards Trichinopoly, with the intention of placing the detachment in quarters immediately on its arrival. I shall however, in consequence of your letters, await the further orders of Government. In compliance with the intention of Government, I shall allow the flank company of His Majesty's 12th regiment to remain a few days at Trichinopoly to recover from their fatigues, and then order the remainder of the regiment to march from Wallajabad.

I have the honour, &c. &c.

Madura, 11th September 1809. (Signed) W. WILKINSON, Col. Commanding South. Div.

Dear Sir, Mount Lavinia, 8th August 1809, 8 A. M.

I this morning at one o'clock received your express of the 29th, and though I am perfectly ready to acquiesce in any measure you wish, yet it unfortunately happens, as you will perceive by enclosure No. 7, being copy of an examination of Mr. Laughton, Master Attendant here, and a very intelligent man, taken this morning, that it is totally impossible to send any relief to Stuart in any reasonable time. First, from the natural length of the passage, and secondly, from the total want of shipping here, there being only one vessel that even could attempt that passage, and she would not carry above eighty men.

I regret this extremely, but under these circumstances I have felt it my duty to adopt the only measure that, in my opinion, could in any degree conduce to give effect to your wishes.

I have therefore ordered Major Hankey to proceed this day to Palamcottah by sea, with the following instructions: First, to request Mr. Hepburn to impress all the Coasting Craft, and send them over here to transport troops, if necessary, to Tutacoryn. Second, to open a communication with Stuart, and to learn on this side whether the country is in any state of agitation. Third, if necessary to provide camp equipage and bullocks complete for a detachment of at least five hundred men with guns, which will be sent from this.

My object in making this arrangement is, whatever happens to Stuart from at least a portion of the country power should it rise, and I have no doubt that the 19th regiment and this detachment, independent of the sepoys interfering, which I hope is not probable, would be able to form a junction.

The instructions I shall give to the officers commanding this detachment, is to enter the Travancore country on this side, and to comply with Colonel Stuart's wishes: but in the event

[No. 2. E.] Enclosure No. 39. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

event of any actual insurrection in the Travancore country, to force his way to form a junction with Stuart, and I shall recommend to him the utmost forbearance unless positively attacked.

I have been led to adopt this measure, because I think it is in itself the only one I could take, and because, should it not accord with your views of the subject, you will probably have time, by writing express on receiving this, to stop the movement.

You will perceive in my letter to Mr. Hepburne, that I have taken upon myself the responsibility of whatever he does in the present emergency, in compliance with Major Hankey's request, being approved of by Government, to which I have no doubt, from what I have already said, will meet your approbation.

My reason for pressing the craft on the opposite shore is, that in truth we have no means of conveyance here at all, excepting the vessel I have already mentioned, and a small sloop which is carrying Major Hankey over; and I think it highly advisable, that the whole force, as it must trust very much to itself, should move together.

I extremely regret this delay, but I feel it less from being aware that the sepoys, if they saw a corps of Caffries landed at Quilon, might, from their dislike to them, be apt to make that a plea for their non-compliance with the orders of Government.

I most sincerely hope that your expectations will be fulfilled, for I own I have never seen any situation that appears to me to be more critical than the present.

I have, &c. &c.
(Signed) T. MAITLAND.

P. S. I enclose you, for your further information, my instructions to Major Hankey, by which you will perceive I have directed him, should he feel it necessary, to write immediately to you; you may rely upon his prudence, should you think it advisable to communicate with him.

To the honourable Sir G. H. Barlow, Bart. K. B. Governor, &c. Fort St. George.

Minutes of Consultation with George Laughton, Esq. Master Attendant at Mount Lavinia, on Tuesday Morning 7 o'clock, A. M. 8th August 1809.

Present.—His Excellency Lieutenant General Maitland.
Richard Plasket, Esq.
Major Mainal.

Mr. Laughton is asked by his Excellency the Governor to give an opinion, what space of time it would take for troops to reach at this season of the year, the lower part of the Malabar coast, by Quilon and Cochin, and in what kind of vessels they must be carried.

Answer.—Major Laughton is clearly of opinion, that during the present monsoon, and the violent currents that prevail at this season of the year, that the only mode of reaching the places mentioned, is by making what is commonly called the Southern Passage. It is impossible to state the length of time such passage would take, as it depends in a considerable degree on the time they meet the south-east winds, which they do sometimes on this side of the line, but so late in the monsoon generally in the other. In saying, however, that it will take three weeks, he is confident he has stated the very shortest space. Mr. Laughton further adds, that none of the vessels that carry on the coasting trade could attempt this passage, both from the nature of the equipment and the ignorance of their masters.

(True copy.) (Signed) RICHARD PLASKET, C. A. G.

Sir, Mount Lavinia, 8th August 1809, 8 o'clock, A. M.

Having received this day an express from the Madras Government, on the subject of sending a reinforcement to Lieutenant Colonel Stuart at Quilon, I have the honour to inform you, I have directed Major Hankey, Acting Deputy Quarter-master General, to proceed forthwith to Palamcottah. He will have the honour of shewing you my instructions to him, and I have only to add, that whatever measures you adopt in compliance with Major Hankey, with those instructions I hold myself perfectly responsible, will be approved of in consequence of communications I have had with the Government of Fort St. George.

I have the honour, &c. &c.
(Signed) T. MAITLAND.

J. Hepburne, Esq.
Collector of Tinnevelly,
&c. &c. &c.

Sir, Mount Lavinia, 8th August 1809, 8 o'clock A. M.

You are hereby commanded to proceed in the sloop Tryal to Tutacoryn, and from thence without any delay to Palamcottah; on your arrival at that place you will shew the head civil servant of the honourable the East India Company there these instructions, and you will communicate with him in the most confidential manner.

The objects for which you are now sent are as follow:

1st.—You will open a correspondence with Lieutenant Colonel Stuart, and learn from him his sentiments and opinion on the subject.

2d.—You will request Mr. Hepburne immediately to impress and send over here all coasting vessels on that side, for the purpose of transporting troops from this to Tutacoryn, reserving however on that side the two fastest sailors to send over with dispatches.

3d.—You

[No. 2. E.] Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

3d.—You will urge Mr. Hepburne to adopt preparatory measures for providing cattle and camp equipage for a detachment of the following strength:

250 Europeans and 300 Baillies regiment with six guns. The number of cattle for carriage must be considerable, and adequate to carry provisions, arrack, &c. to Quilon.

I have, however, said preparatory measures, as I do not wish the expence incident to this measure, to be incurred without a reasonable appearance of its being requisite, either from the general state of the country or the particular information you may receive from Stuart, or any other quarter. On this head, therefore, you must exercise your own judgment, and I have no doubt you will be guided by a prudent view of the whole of the subject.

4th.—You will enquire and report to me, how much nearer the lines than Tutacoryn this force can be landed with safety, by going from this place.

5th.—You will, in the event of preparing the cattle, send them to the place you stated to me the troops should land at, and you will provide spare muskets and ammunition to accompany the cattle, to the extent of 60 rounds per man, at the place where the troops will land.

6th.—I have only further to recommend to you the utmost prudence, secrecy, and caution, on the present occasion, and that should you feel it necessary you correspond direct with Sir George Barlow individually.

I am, &c. &c. &c.
(Signed) T. MAITLAND,
Lieutenant General.

Enclosure, No. 40.

Lieutenant Colonel Conran.

Sir,

I am directed to transmit to you the accompanying copies of papers, on the subject of the military arrangements proposed to be adopted in the actual posture of affairs under this Presidency. These papers will fully apprize you of the objects of the formation of the detachment under your command, and the amount of the force which it is intended to place under your authority.

The uncertainty of the plan of operations to be adopted by the disaffected troops at Hydrabad, if they should finally persist in their disobedience to the authority of Government, it is impossible at the present moment to prescribe the present system of measures proper to be pursued by the British Government. It is, however, an object of the first importance, that a considerable force should be formed in the ceded districts with the utmost promptitude, for the purpose of repelling any attempt which may be made on that side by the rebel troops, or of advancing towards Hydrabad. I am accordingly directed to desire, that you will commence your march with the force actually under your command, at the earliest practicable period of time, by the route of Cucumbaddy and Cuddapah, leaving the Ceylon troops and such of your equipments as may not have been completed, to follow you as soon as they shall be placed in a proper state of preparation for movement.

Detailed instructions for your guidance in every emergency that may occur, will be communicated to you without delay; but it appears at present that the first object of your proceedings is to form an early junction with the force which Major General Croker has been ordered to encamp at Gooty, that force consists of 700 men of His Majesty's 34th regiment, 75 artillery, 2d battalion of native infantry, and ten 6-pounders; and united with the troops under your command, will be sufficient to meet any exigency that is likely to occur. It will be proper that you should proceed to Gooty; and regulate your further operations by the instructions which you will receive.

Detailed communications will have been made to you under the orders of the officer commanding the Army in chief, relative to the subsistence and equipments of the troops under your command.

The Collectors on your route have been directed to furnish the supplies necessary for the use of the troops under your command, and as celerity of movement is an object of the first consequence, the Governor authorizes you to have as much carriage beyond the regulated proportions, as may be necessary to secure the promptitude and expedition of your operations, relying on your discretion and zeal for the public interests to make a proper use of the latitude given to you on this occasion.

Fort St. George,
11th August 1809.

I have the honour to be, &c.

PRESIDENT'S MINUTES of the 3d and 10th August.

3d August.

THE President has the honour to state his opinion, relative to the strength of the force which can be assembled for service in the Nizam's dominions. It appears to be necessary that the arrangements to be adopted on this occasion should embrace three objects, viz. First, to march upon Hyderabad such a force as will be sufficient, if necessary, to awe or coerce the disaffected troops in that quarter, and to maintain the interests of the British Government in that State. Secondly, to maintain at the Presidency an amount of force capable of protecting it from any probable danger; and Thirdly, to retain in the provinces troops sufficient for the occupation of the fixed posts, and the performance of the ordinary duties.

The

[No. 2. E.]
Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The following arrangement will be founded upon theſe grounds. It is propoſed that three diviſions of troops, one from the Carnatic, one from Myſore, and one from Bellary, ſhall proceed to Hyderabad by the route of Kurnool, which is more direct than any other with reſpect to the ſtations from which the troops are to march. Theſe diviſions would amount to the following ſtrength, viz.

Artillery.	From Madras.	
10 Six-pounders galloppers.	His Majeſty's 22d Light Dragoons	400
2 Twelve-pounders.	1 Regt. Nat. Cavalry	420
6 Six-pounders.	Artillery	140
2 Five ½ inch howitzers	1ſt Regt. of European Infantry	650
	1 Dº of	800
	2 Bat. Native Infantry	1,700
	Total	4,110
	From Myſore.	
4 Six-pounders galloppers.	His Majeſty's 25th Light Dragoons	640
2 Twelve-pounders.	1ſt Regt. Native Cavalry	420
4 Six-pounders.	59th Regt.	1,100
	Artillery	80
	2d Bat. Native Infantry	1,760
	Total	4,000
	From Bellary.	
2 Twelve-pounders.	34th Regt.	650
6 Six-pounders.	Artillery	70
38 Pieces of ordnance.	2d Bat. Native Infantry	1,800
	Total	2,520
	Myſore Horſe	1,500
	Total	12,130

The diſtance from Kurnool, the point of juncture of the diviſions to Bangalore, is 240 miles, to Madras 290 miles, and to Bellary 85 miles; the whole of the diviſions may therefore arrive at Kurnool in leſs than a month after they are put in motion. The diſtance from Kurnool to Hyderabad is 120 miles, and the diviſions ſhould paſs the Kiſtna, and arrive at Hyderabad in 15 days after they leave Kurnool: the troops from Madras would march to the point of junction by the Pollams of Cuddapah and Nundia, thoſe from Myſoor by Gooty, and thoſe from the ceded diſtricts alſo by Gooty.

It does not appear to be neceſſary that a large equipment of artillery and ſtores ſhould accompany this force; expedition of movement will be a principal object, and the troops by whom the Army will be oppoſed, if it ſhould meet with oppoſition, will not be capable of any ſerious reſiſtance againſt ſuch a force; a ſupply of 10 rounds of fixed ammunition for each gun, and of 80 rounds of ſpare cartridges, and 3 ſpare flints for each ſoldier, appear to be ſufficient. The troops can carry that ſupply of ammunition from the ſtations from which they march, and can receive a further ſupply of requiſites from the magazine at Gooty.

The diviſion can be ſubſiſted during their route to the point of junction by the garriſon ſtorekeepers of the ſtations from which they march, aſſiſted by the reſources of the country. But the ſubſiſtence of the Army, after it forms a junction at Kurnool, ſhould be regulated by a Commiſſary, according to the uſage that obtains on field ſervice; it appears to be requiſite that a ſupply of proviſions for at leaſt four days ſhould accompany the Army. The extent of this ſupply is ſtated in the margin, and it may be proper that it ſhould firſt be collected into a depôt at Gooty, and removed forward to Kurnool with the troops; immediate meaſures ſhould be adopted for collecting the ſupplies, events may occur to admit of a much ſmaller proportion being ſufficient, but the whole may be required, and no time ſhould be loſt in ſecuring its collection. The Collectors in the ceded diſtricts be directed to adopt immediate meaſures for procuring at Gooty the bullocks, rice, grain, and ſheep; there is a ſufficient quantity of arrack already in ſtore at Gooty, and the Quarter-maſter General can make arrangements for ſupplying it with carriage from the Kurkunah department.

Arrack, 8,000 galls.
Sheep - - 18,000
Rice, 1,000 garce
Gram, - 80 garce
Carriage Bullocks, 12,000

The troops remaining in the ceded diſtricts will conſiſt of 250 men of the 34th regiment, about 20 artillery men, and two battalions of ſepoys; this force is quite ſufficient for the occupation of the fixed garriſons, and for the promotion of a ſmall moveable detachment; a party of Myſore cavalry could be ſent to the ceded diſtricts to maintain tranquillity, and the civil authorities might be empowered to increaſe their police eſtabliſhments for the ſame purpoſe.

The force remaining in Myſore would conſiſt of three companies of artillery and four battalions of ſepoys; if this force were well affected it would be ſufficient for the protection of Myſore, but it may be apprehended that the garriſon of Seringapatam, conſiſting of the artillery and 2 battalions of ſepoys, will continue in a ſtate of contumacy to the orders of Government; the authority of Government will, however, be moſt probably eſtabliſhed over the other two corps, and theſe, with the aſſiſtance of the 78th, which is expected from Goa, and a body of the Rajah's troops, will be able to keep the garriſon of Seringapatam in check, and maintain tranquillity in the country until circumſtances permit a ſtronger force to be ſent to Myſore.

[No. 2, E,] Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

In the Carnatic the uſual poſts will be occupied, Fort St. George will be garriſoned by the 69th regiment, about 750 ſtrong, 80 artillery, and 3 battalions of ſepoys, and a force will be encamped at the mount, conſiſting of the following troops, viz.

22d Reg. Light Dragoons	300
1ſt Reg. N. C.	420
Artillery	100
His Majeſty's troops from Ceylon	1,000
1ſt Battalion N. I.	900
A Battalion from the Southern Diviſion	850
Total	3,570

The troops at Madras ſhould continue there until the final proceedings of the corps in the northern diviſion and at Hydrabad ſhall be aſcertained. If theſe corps ſhould be brought under the obedience of Government, or ſhould march in the direction of Jaulnah, the corps at Madras will be entirely diſpoſable, and may be ſent to Myſore or the Northern Circar, according to circumſtances.

There are ſeveral ſpare native corps in the northern diviſion, and it may be adviſable to deſire Colonel Wilkinſon to ſend a battalion, after he has removed the diſaffected officers from it, to Madras, replacing it in the field detachment which he has been deſired to form, by ſuch a proportion of His Majeſty's 12th regiment, as he may judge proper.

The Preſident thinks it proper to add, that the arrangements propoſed in the Minute, have received the approbation of the Commander in Chief.

Fort St. George,
3d Auguſt 1809.

MINUTE, 10th Auguſt.

IT will be neceſſary to decide on the military meaſures to be purſued, if the Hydrabad troops ſhould actually place themſelves in a ſtate of rebellion to their country. From the Jaulnah force having been ordered to Hydrabad, it is preſumed the Hydrabad troops have no intention of falling back upon the Deckan. They may adopt one of the following plans: 1ſt, concentrating themſelves at Hydrabad; 2dly, moving towards Maſulipatam, collecting all the troops that will join them from the Circars, and either maintaining themſelves in the northern diviſion or marching into the Carnatic; 3dly, proceeding by the Ceded Diſtricts in Myſore or the Carnatic.

It is not probable that the firſt plan will be adopted, as it would give an opportunity to the Government to bring ſuch a force into action againſt them as would enſure their deſtruction; one of the other two plans will therefore moſt probably be adopted, and the nature of the country occaſions ſome embarraſſment with reſpect to the beſt means of oppoſing this plan. To the northward of the Kiſtnah, the country being open, admits of lateral movements, and the rebel troops may at pleaſure move to the ceded diſtricts or towards the Carnatic, by the route of Condapilly and Bezoarah. The country ſouth of the Kiſtnah is very different, a high ridge of mountains extends from the Kiſtnah to the Southward of Cummun, without any practicable paſſes. The ſtate of the country will therefore prevent a corps moving from the ceded diſtricts to the northern part of the Carnatic, excepting by a very great circuit. If all our force proceeded to the ceded diſtricts, the rebel troops by making rapid movements on the ſide of Condapilly, might move down towards the Carnatic before the Britiſh troops could be able to receive them; the troops actually at the Preſidency, reinforced by the 56th, will be fully equal to meet any force that the rebels will be likely to bring to the Southward; but the troops in the ceded diſtricts are not equally ſtrong, and it will be neceſſary to ſend a detachment from the Preſidency towards the ceded diſtricts, for the purpoſe of eventually ſtrengthening the force in that quarter. The further proceedings of the troops will be determined by the conduct of the rebel forces. If they remain at Hydrabad, the troops collected in the ceded diſtricts will move into that city, and ſubdue. If they attempt to penetrate the Company's country by the ceded diſtricts, the troops collected there will be more than ſufficient to oppoſe them. If the rebel troops move down towards Maſulipatam, and thence towards the Carnatic, the detachment ſent from the Preſidency to the ceded diſtricts will be recalled, and all the troops at the Preſidency be ordered to meet the rebel force. In this caſe, the other troops collected in the ceded diſtricts can move on to Hydrabad, to preſerve the Britiſh intereſt there. It appears, therefore, to be adviſable to employ every practicable means of collecting troops in the ceded diſtricts from every quarter, and to put in motion towards that part a reſpectable detachment from the force aſſembled at Madras. It will be adviſable, that the 78th ſhould proceed from Goa to the ceded diſtricts inſtead of Myſore, an arrangement which will admit of the detention of the 59th with Colonel Davis; the diſtance from Goa to Bellary is only 250 miles, and the 78th can arrive there in leſs than a month. In Myſore, it will be ſufficient to adopt defenſive meaſures, until the point at iſſue ſhall be decided with the Hydrabad troops; a ſmall corps, aſſiſted by the Rajah's troops, will therefore be ſufficient to check the diſaffected corps in Myſore. The following plan is founded upon the foregoing conſiderations, viz. Colonel Davis to detach as many troops to the ceded diſtricts as he can ſpare, conſiſtently with the maintenance of tranquillity in Myſore. For this purpoſe the 80th and one native battalion can join Colonel Davis from Malabar, and as many of the 12th from Trichinopoly as can be ſpared by Colonel Wilkinſon; the 78th to march to Goa from the

the ceded diſtricts. By this means a force will be formed on the Toombadra, of the following amount, viz. [No. 2. E.] Enclosure No. 40. in Gen. Lett. Sec. Dep. 1809.

H. M. 34th	700	From the Ceded Diſtricts.
2d Battalion N. I.	1,800	
Artillery	70	
H. M. 78th	800	From Goa.
	3,370	
25th Light Dragoons	300	From Myſore.
Native Cavalry	200	
European	400	
Native Dº	400	
	4,670	
Myſore Horſe	1,000	
	5,670	
22d Light Dragoons	300	From Madras.
7th Regiment N. C.	420	
Artillery	140	
Royal	700	
Ceylon Corps	800	
2d Battalion N. I.	1,700	
	9,730	

In the event of the rebel force moving to the Carnatic, the detachment from Madras could be recalled, and the following force could be collected to act in the field.

22d Light Dragoons	700
2d Reg. N. C.	850
His Majeſty's 2d Bat. Royals	700
Ceylon Infantry	1,000
1ſt, 56th	1,000
Artillery	250
3d Bat. of N. I.	2,500
	7,000

10th Auguſt 1809.

To the Collector of Bellary.

Sir, Fort St. George, 3d Aug. 1809.

It is the intention of Government to aſſemble, without delay, on the Toombudra, near Kurnool, a force to conſiſt of about 3,700 European, and 6,000 native troops, with 1,500 Sellahdar horſe, and I am directed to deſire that you will employ every exertion in your power to collect for their uſe, with the leaſt practicable delay, the cattle and ſupplies detailed in the accompanying ſtatement. Theſe will be depoſited in the firſt inſtance at Gooty, and will be moved forward to Kernool, where a corps occupies a poſition at that point.

It is probable that the force will be aſſembled at Kernool by the beginning of September, and the ſupplies ſhould, if poſſible, be ready at that period.

The Collector of Cuddapah has been apprized of the inſtructions conveyed to you in this letter, and deſired to afford ſuch facilities to their execution as can be derived from the reſources of the diſtricts under his management.

I have the honour to be, &c.
(Signed) A. FALCONAR,
Chief Sec. to Gov.

Statement of the Cattle and Supplies to be collected in the Ceded Diſtricts.

Rice	100 Garce.
Grain	80 Ditto.
Carriage bullocks	12,000
Sheep	18,000

To the Collector of Cuddapah.

Sir,

I have the honour to forward to you a copy of a letter which has been tranſmitted to the Collector of Bellary, and to expreſs the deſire of the honourable the Governor in Council, that you will furniſh every aſſiſtance that can be afforded by the reſources of the country under your management, to enable the Collector of Bellary to carry into execution the inſtructions that have been communicated to him, relative to the proviſion of ſupplies for the force ordered to be aſſembled at Kernool.

I have the honour to be, &c.
(Signed) A. FALCONAR,
Chief Sec. to Gov.

Fort St. George,
3d Auguſt 1809.

[No. 2. E.]
Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Lieutenant Colonel Conran.

Sir, Fort St. George, 26th August 1809.

I have the honour to acknowledge the receipt of your letters of the 22d and 23d instant.

I have laid them before the honourable the Governor, and I am directed to acquaint you, that orders have been given for making up a number of 500 round ammunition barrels, and for dispatching them to your camp as fast as possible.

Mr. Assistant Surgeon Tuvill's memorial cannot be regularly brought before the Governor in Council, excepting through the officer commanding the Army in chief, and I return it that you may have an opportunity of forwarding it to General Gowdie's Secretary.

Orders have been given for supplying the eight jackets which you require for the men of the 59th regiment. I will apprize the Adjutant General of Captain Hughes not having joined your force.

The officers of the Madras European regiment have signed the declaration, and the garrison of Seringapatam did the same on the 22d instant, and agreed to surrender at discretion, to pile their arms on the parade, and march out of the fort at sun rise the following morning, when Colonel Davis would march on with the 59th regiment.

I have the honour to be, &c.

Sir, Bellary, 10th August 1809.

I request you will do me the favour of laying before Sir George Barlow the enclosed letter, which I have received from Captain Stewart.

I have the honour to be, &c.
(Signed) ROBERT CROKER,
Major General Commanding.

Lieutenant Colonel Barclay, &c. &c. &c.

Sir, Bellary, 15th August 1809.

It is never too late to acknowledge error, and as mine proceeded from judgment and not from principle, it will, I hope, be the more readily forgiven.

I need not, I believe, inform you, Sir, that the orders of the 26th of July, their execution and arrangement then, and for some days after, employed my mind too much to admit of any personal consideration; I, in consequence, acted by the first impression, in giving a qualified signature to the declaration of allegiance required of me, which I now perceive it was my duty to have offered unreservedly.

My resignation of the service was afterwards tendered, certainly with the desire of retiring from this Army, but not to desert my duty to the Government, in the support of whose authority, I trust, I shall ever be found stedfast, faithful, and zealous.

I have the honour to be, &c.
(Signed) J. STEWART,
Captain.

Major General Croker, &c. &c. &c.

Sir, Bellary, 18th August 1809.

I have the honour to transmit, to be laid before Sir George Barlow, the copy of a letter which I have this moment received from Captain Coote, and John Campbell the Assistant Adjutant General, and Deputy Judge Advocate of this division, proceeding on their route to the Coast.

These two officers never having participated in any way whatever in the late proceedings of the officers of the Army, and being in principle faithful in their duty to the Government, though in judgment erroneous; I beg leave to recommend, that after they have given their obligation of allegiance to the Government of Fort St. George, they may be reinstated in their respective official situations, and beg to be honoured with authority for so doing.

I have the honour to be, &c.
(Signed) ROBERT CROKER,
Major General Commanding.

Lieutenant Colonel Barclay, Military Secretary, &c.

To Major General Croker, Commanding the Ceded Districts.

Sir,

When we made the promise to the declaration which we signed, we did so from no disaffection, nor was there the smallest disrespect to the Government intended.

Convinced, however, of our error, we not having given an unconditional pledge of obedience to the Government, we beg leave now to do so; and we have to request, that you will have the goodness to intimate to the honourable the Governor, that we are ready to support with fidelity the authority of this Government; and, learning that a force is assembling in these districts for field service, we request to offer our services in any way they can be employed.

We shall remain here until such time as we have the honour of receiving your orders.

Treputty, August 1809.
(Signed) W. C. CAMPBELL, Captain.
JOHN CAMPBELL, Captain.

Major General Croker. [No. 2. E.]

Sir,

I am directed by the honourable the Governor in Council, to acknowledge the receipt of your letter of the 19th inſtant, encloſing one from Major Kealberry, and to acquaint you, that the Governor in Council is not yet prepared to give you any inſtructions reſpecting the reſtoration of the officers who have been actually removed from the exerciſe of their military functions, in conſequence of their having refuſed to affix their ſignatures to the declaration of allegiance, when it was originally tendered to them. Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

The Governor in Council will convey inſtructions to you upon this ſubject at the earlieſt practicable period; in the mean time, thoſe officers will proſecute their journey to the place of reſidence they have choſen on the ſea coaſt, there to await the pleaſure of Government reſpecting them.

I have the honour to be, &c.

Fort St. George, 24th Auguſt 1809. (Signed) A. FALCONAR, Chief Secy to Govt.

To Alexander Falconar, Eſq, Chief Secretary to Government.

Sir, Bellary, 22d Auguſt 1809.

I have the honour to tranſmit, to be laid before the honourable the Governor in Council, the accompanying copy of a letter, dated the 19th inſtant, received from the officers of the 1ſt battalion 22d regiment at Cumbum.

It will, I am ſorry to ſay, be obſerved by this letter, that they have declined to ſign the declaration of allegiance required from them; but ſtill I entertain the moſt confident hopes (indeed no doubt) that ſo ſoon as they hear of the return to obedience of the Hydrabad force, and the melancholy fate attending the two battalions which marched from Chittledroog to join the troops in Seringapatam, that they will gladly ſubſcribe to the teſt, and return to their duty with that ſenſe of error that no time will efface from their minds, and for which, I truſt, future implicit obedience and good conduct will endeavour to make amends.

Copies of Lieutenant Colonel Barclay's diſpatch of the 18th inſtant, have been already ſent off to Cumbum, and will be circulated throughout the diviſion.

To prevent any unfavourable impreſſion that the event in Myſore might produce on the native troops, from either rumour or improper repreſentations; and as a general connection of family and relationſhip is exiſting amongſt all the native corps, I have judged it proper to aſſemble the native officers of the battalions at this ſtation, to perſonally and candidly communicate to them the contents of the diſpatch this day received, and for the purpoſe too of bringing more forcibly to their view the conſequences which are certain to follow on the infatuated ſteps of rebellion; the native officers are now aſſembling for this purpoſe.

I have the honour to be, &c.

(Signed) ROBERT CROKER, Major General Comg.

To Major General Croker, Commanding the Troops in the Ceded Diſtricts.

Sir,

We, the underſigned officers of the 1ſt battalion 22d regiment native infantry, at Cumbum, have received the declaration tendered to the officers of the Madras Army by Government, and have now the honour of ſubmitting to you, in the moſt reſpectful manner, our reaſons for declining giving our unqualified ſignatures to that paper, for the purpoſe of being laid before Government.

Our unqualified ſignatures to this paper, muſt moſt likely oblige us to act againſt our brother officers in the ſervice, convinced as we are of the reality of the grievances they in common with ourſelves labour under.

We beg leave to aſſure you, Sir, that in no inſtance whatever have we perceived a want of attachment to our King, our Country, and our honourable Maſters; and although we find ourſelves compelled to refuſe our ſignatures to this declaration, we feel every ſentiment of loyalty and affection towards our Sovereign and Employers; we are ready to lay down our lives in defence of his Crown, we are prepared to ſpill the laſt drop of our blood in oppoſing the enemies of our Country, but our ſwords ſhould be reſerved for that as our hearts, as we can never draw them againſt our brother officers and fellow-ſoldiers.

It is with ſentiments of the deepeſt ſorrow, we feel ourſelves obliged to leave our colours and our ſepoys under circumſtances ſo degrading and affecting; but we look for better times, and truſt, that ſo cruel a ſeparation will be of ſhort duration, from men who are, we have every reaſon to believe, ſincerely attached to us, and whoſe confidence and friendſhip we have by every means ſtriven to cultivate, as the ſureſt method of attaching them effectually to the Government under which they ſerve.

Wiſhing not to break up our meſs, which has been ſo reſpectable ever ſince the formation of this corps, and being at a loſs what place to proceed to, we beg that Government will point out any ſtation where we can remain together, and in the mean time we ſhall proceed towards Sadras. We are, Sir, &c. &c.

(Signed) J. Weſſell, Captain—H. Hawkins, Captain—Thos Huntly, Lieutenant.—E. O. Davenport, Lieutenant—John Scott, Lieutenant and Adjutant—James Jameſon, Lieutenant—T. B. Jones, Enſign—T. C. S. Hyde, Enſign—Robert True, Enſign.

(A true copy.)

(Signed) CHARLES CROKER, Aide-de-Camp.

[No. 2.E.]

Enclosure No. 40. in Gen. Lett. Sec. Dep. 20 Sep. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Bellary, 25th August 1809.

I have much pleasure in transmitting, to be laid before the honourable the Governor in Council, the accompanying copy of an address, dated the 20th instant, just come in from Major Wright of the 2d battalion 7th regiment, and signed by thirteen other officers who lately left this under suspension, in consequence of declining to give their allegiance to the Government, the declaration of which they have now signed, and I beg to be honoured with instructions regarding them.

I have annexed a list of the names of the officers of the same corps of the Artillery, who are above the above party, whose signatures I am sorry to perceive with the others, and whom it would appear have proceeded on while the others have halted within the confines of this division to wait the decision of the Government.

I have the honour to be, &c.

(Signed) ROBERT CROKER,
Major Gen. Commanding.

We, the underſigned officers of the honourable Company's ſervice, do in the moſt ſolemn manner declare, upon our word of honour as Britiſh officers, that we will obey the orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of our commiſſions which we hold from that Government.

1ſt Battalion 9th regt. N. I.

(Signed) J. H. Smith, Captain.—W. Griffinhoof, Lieutenant.—E. Bortico, Lieutenant.—H. Maſſey, Lieutenant—C. D. Stanley, Lieutenant.—George Field, Lieutenant—A. Anderſon, Lieutenant.—F. F. Wright, Major.

2d Battalion 7th regt. N. I.

E. L. Fitzpatrick, Lieutenant—F. L. Beerman, Lieutenant—W. Hardy, Lieutenant—J. Smith, Lieutenant—H. A. Bell, Lieutenant—J. Scott, Enſign.

(A true copy.)

CHAS CROKER,
Aid-de-Camp.

List of the Names of the Officers of the ſame Corps and Artillery who are with the above Party, whoſe Signatures are not annexed to the Addreſs, or loſt.

Firſt Battalion 9th Regiment N. I.

(Signed) Lieutenant Glenholme—Enſign Preſton—Enſign Bagot.

Second Battalion 7th Regiment N. I.

Captain Jackſon—Lieutenant Ruſſell—Enſign White—Enſign Tulk—Enſign Binny.

Artillery.

Captain Goreham—Enſign Morriſon—Enſign Skipp.

N. B.—Major Keaſberry, of the 1ſt battalion 9th regiment, ſigned the declaration of allegiance on the 19th inſtant, and was reported the ſame day.

(Signed) ROBERT CROKER,
M. G. Commanding.

To Major General Croker, Commanding the Ceded Diſtricts.

Sir, Jallapett, 20th Auguſt 1809.

We, the underſigned officers of the 2d battalion 7th regiment, and 1ſt battalion 9th regiment, native infantry, having further and maturely conſidered the declaration tendered to us by you on the 2d inſtant, to ſupport the Government of Fort St. George, and to obey all their orders agreeably to the tenor of our commiſſions as Britiſh officers, requeſt you will give in our ſignatures to the ſame, which we truſt and hope the honourable the Governor in Council will be induced to accept of.

Firſt Battalion 9th Regiment N. I.

(Signed) F. H. Smith, Captain—W. Griffinhoofe, Lieutenant—E. Bertie, Lieutenant—H. Maſſey, Lieutenant—C. D. Stanley, Lieutenant—A. Anderſon, Lieutenant—Geo. Field, Lieutenant—F. J. Wright, Major.

Second Battalion 7th Regiment N. I.

E. S. Fitzpatrick, Lieutenant—F. L. Burman, Lieutenant—W. Hardy, Lieutenant—J. Smyth, Lieutenant—H. A. Bell, Lieutenant—J. Scott, Enſign.

(A true copy.)

CHAS CROKER,
Aid-deCamp.

[No. 2. E.]

To Alexander Falconar, Esq. Chief Secretary to Government.

Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep. 1809.

Sir, Bellary, 29th Auguſt 1809.

When I expreſſed, in my diſpatch of 22d inſtant, a confident hope that ſo ſoon as the officers of the 1ſt battalion 22d regiment at Cumbum would learn of the return to obedience of the officers of the Hydrabad force, and the diſgraceful proceeding of their brother officers of the 1ſt battalion 15th regiment in Myſore, I directed the declaration of allegiance to be returned for their ſubſcription, with the full aſſurance and expectation that they would do ſo, with acknowledged thanks for the indulgence on this occaſion obſerved to them.

It is, however, with extreme concern and diſappointment, that I have juſt received the accompanying copy of a letter, dated the 26th inſtant, from theſe officers, giving cover to the teſt which has been ſigned by the officers preſent with the head quarters of the corps, thoſe on detachment at Rachouty having previouſly refuſed to ſign it; but from the exceptionable and indeed improper nature of the contents and ſubject of this letter, I have conſidered it my duty to reject their tendered ſervices; and I have in conſequence removed them from the exerciſe of their military functions, and ordered them to proceed immediately to Sadras.

Officers of His Majeſty's 24th regiment will go off to Cumbum without any delay, to take charge of the 1ſt battalion 22d regiment.

The copy of the diviſion order publiſhed on this occaſion accompanies this diſpatch, for the information of the honourable the Governor in Council.

I have the honour to be, &c.

(Signed) ROBT CROKER,
M. G. Commanding.

To Major General Croker, Commanding the Troops in the Ceded Diſtricts.

Sir,

We the underſigned officers of the 1ſt battalion 22d regiment native infantry preſent at Cumbum, have received your letter of the 22d inſtant, with its accompanying papers, giving us an opportunity of re-conſidering the declaration tendered to the Army by Government, and hoping we might be induced, from the various matter contained in the diſpatch, as well as from the late melancholy and ever to be lamented deſtruction of the two native battalions, to afford our ready and unconditional aſſent to the teſt required.

We delay not expreſſing our warm and unfeigned thanks to you, Sir, for this act of regard manifeſted towards us, and now give our unqualified ſignatures to the declaration on the grounds hereafter mentioned, convinced, as we ſtill are (and we muſt remain until a redreſs of grievances is afforded) of the reality of many the Madras Army labours under.

Confiding in the generoſity of Government, that we may never experience the dreadful trial of oppoſing in the field our brother officers, our intimate friends and relations, and fully ſenſible of the dangers which threaten the intereſts of our country in India on every ſide, we feel ourſelves called upon by every national feeling to aſſiſt, by our ſtrenuous exerions, in preſerving them from inevitable ruin and deſtruction, the natural followers of civil war, anarchy and confuſion. We, therefore, under theſe impreſſions, regardleſs of all private views, and ſacrificing every ſelfiſh idea to the love of our country, ſubſcribe our names.

And are, Sir,

Your moſt obedient ſervants,

(Signed) J. Wiſſet, Captain—W. Hawkins, Captain—Thos Huntley, Lieutenant—C. O. Davenport, Lieutenant—John Scott, Lieutenant and Adjutant—James Jamiſon, Lieutenant—T. B. Jones, Enſign—T. W. Hyde, Enſign—Robert Frewn, Enſign.

Cumbum, 26th Auguſt 1809.

Head Quarters Diviſion.

D. O. Bellary, 29th Auguſt 1809.

From the exceptionable nature of a letter dated the 29th inſtant, received from the officers of the 1ſt battalion 22d regiment at Cumbum, accompanying the declaration of allegiance, bearing the ſignatures of a part of the officers of that corps, the under-mentioned officers of the 1ſt battalion 22d regiment are removed from the exerciſe of their military functions, and with the exception of the ſenior officers and the Adjutant (who are to wait to be relieved by officers of His Majeſty's ſervice) will proceed with all practicable expedition to Sadras.

1ſt Battalion 22d Regiment Native Infantry, Cumbum.

(Signed) J. Wiſſett, Captain—W. Hawkins, Captain—Thos Huntley, Lieutenant—C. O. Davenport, Lieutenant—John Scott, Lieutenant and Adjutant—James Jameſon, Lieutenant—T. B. Jones, Enſign—T. C. S. Hyde, Enſign—Robert Frew, Enſign.

Rachooty.

J. Dymocke, Captain—J. Beard, Lieutenant—J. Gwyne, Enſign.

The poſt of Rachooty is to be delivered over to the charge of the ſenior native officer of the 1ſt battalion 22d regiment.

(Signed) H. MACALISTER,
Acting A. A. G. C. D.

[No. 2. E.]
Enclosure No. 40. in Gen. Lett. Sec. Dep. 20 Sep. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Bellary, 3d Sept. 1809.

I beg leave to transmit, to be laid before the honourable the Governor in Council, copy of a letter dated the 1st instant, received from Captain Coote and John Campbell, the late Assistant Adjutant General and Deputy Judge Advocate of this division, together with a duplicate of my dispatch of the 18th ultimo, addressed to Lieutenant Colonel Barclay, respecting those officers; and I beg to be informed if the orders contained in your letter of the 24th ultimo extend to them, or are they at liberty (having some time since signed the list) to join their respective corps.

I have the honour to be, &c.
(Signed) ROBT CROKER,
Major General Commanding.

To Major General Croker,
Commanding the Ceded Districts.

Sir,

We did ourselves the honour of addressing you a letter (copy of which we now most respectfully beg leave to transmit) on the 16th ultimo from Tarputty, to which never having received any reply, and as Lieutenant Colonel Bowness has communicated to us the contents of a letter from the Chief Secretary of Government, dated the 21st ultimo, received from the head quarters of the division, we beg leave to know if the orders conveyed in that letter equally apply to us in common with the officers of this division.

We trust we are not presuming in expressing an anxious hope, that the consideration of our never having given our assent or signatures to any one of the objectionable memorials or papers, or afterwards in any way directly participated in the proceedings of the officers of the Army, and having already signed the declaration of allegiance, we may be permitted to join our regiments, and released from our present situation, so distressing to our professional feelings, and our anxious desire of being employed.

We are, &c. &c.

(Signed) W. C. Campbell, Captain 3d regt. cavalry—John Campbell, 12th regiment native infantry.

Gooty, 1st Sept. 1809.

(Duplicate.)

Sir, Bellary, 18th Aug. 1809.

I have the honour to transmit, to be laid before Sir George Barlow, copy of a letter which I have this moment received from Captain Coote and John Campbell, the Assistant Adjutant General and Deputy Judge Advocate of this Division, proceeding on their route to the Coast.

These two officers never having participated in any way whatever in the late proceedings of the officers of the Army, and being in principle faithful in their duty to the Government, though their judgment erroneous; I beg leave to recommend that, after they have tendered their obligation of allegiance to the Government of Fort St. George, they may be reinstated in their respective official situations, and I beg to be honoured with authority for doing so.

I have the honour to be, &c.
(Signed) ROBERT CROKER.
M. G. Commanding.

Lieut. Col. Barclay,
Military Secretary, &c.

(Duplicate.)

To Major General Croker, Commanding the Ceded Districts.

Sir,

When we made the promise to the declaration which we signed, we did so from no disaffection, nor was there the smallest disrespect to the Government intended.

Convinced, however, of our error, in not having given an unconditional pledge of obedience to the Government, we beg leave now to do so, and we have to request that you will have the goodness to intimate to the honourable the Governor, that we are ready to support with fidelity the authority of his Government, and learning that a force is assembling in these districts for field service, we request to offer our services in any way they can be employed.

We shall remain here until such time as we have the honour of receiving your orders.

Tarputtey, 26th August 1809.
(Signed) W. C. CAMPBELL, Captain.
JOHN CAMPBELL, Captain.

Sir, Fort St. George, 5th September 1809.

I am directed by the honourable the Governor to acknowledge the receipt of your letter of the 29th August last, and to acquaint you that he entirely approves of your having directed the officers of the 1st battalion 22d regiment, to proceed without delay to the sea coast, and of the division orders which you published on that occasion.

I have the honour to be, &c.
(Signed) R. BARCLAY,
Military Secretary.

Major General Croker.

To the Adjutant General of the Army.

Sir, Pondicherry, 6th September 1809.

I request you will affix my name to the declaration of the 26th July.

(Signed) C. RUMLEY,
Lieut Colonel.

To the Adjutant General of the Army.

[No. 2. E.]

Enclosure No. 40. in Gen. Lett. Sec. Dep. 10 Sep 1809.

Sir,

I have the honour to request you will make known to the Commander in Chief and Government, my wish to affix my name to the test or declaration of the 26th July, and that I may be permitted to join my corps now at Madras.

(Signed) T. GURNELL,
Major 2d. bat. 25th regt.

Pondicherry,
6th September 1809.

Sir, Fort St. George, 14th September 1809.

I am directed to acquaint you, that Ram Row, the Commander of the Silladar horse of his Highness the Rajah of Mysore, has marched to join you with 1,500 of these horse; he will enter the ceded districts by the route of Pinnecondah, and proceed direct to Gooty, where he may arrive about 2d of October, unless you may find it necessary to send him directions to change his route.

Ram Row is a man of the highest rank in the Mysore service, and of a most respectable character, and Sir George Barlow has directed me to request that you will give orders for his being treated with civility and attention, by all officers of your force with whom he may have any intercourse.

As a general intercourse with the European officers may not be agreeable to Ram Row, who does not understand their language, and therefore cannot be advantageous to the service; Sir George Barlow has desired me to suggest, that you may employ Major Agnew exclusively in all your communications with Ram Row, who will appoint a confidential officer of his own to attend Major Agnew, and thereby lessen the trouble which this duty would otherwise impose upon him.

I have the honour to be, &c.

Lieut. Col. Conran.

(Signed) R. BARCLAY,
Military Secretary.

[No. 2.—E.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

Ordered, by The House of Commons, *to be printed,*
25*th May* 1810.

315.

[No. 2. F.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Further ENCLOSURES in the General Letter of 10th September 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Received per Rattlesnake, 12th March 1810.

No. 41 - - - to - - - No. 43.

BEING THE CONCLUSION OF ENCLOSURES.

Ordered, by The House of Commons, *to be printed, 25th May* 1810.

Enclosure, No. 41.

To the Honourable Sir G. H. Barlow, Baronet, and K. B., Governor in Council, Fort St. George.

Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Honourable Sir,

I HAVE the honour to transmit to you, in an open cover, an Address to the Right honourable the Governor General in Council.

I have the honour to be, honourable Sir,
Your most obedient humble servant,
(Signed) THOMAS SYDENHAM, Resident.

Hydrabad, August 11th, 1809, 11½ P. M.

To Captain Sydenham, Resident at Hydrabad.

Sir,

I have the honour to enclose an Address to the Right honourable the Governor General, from the officers of the Hydrabad subsidiary force, now stationed in the cantonment of Secunderabad, and request you will do me the favour of transmitting it to his Lordship.

I have no doubt, the Governor General will pardon my forwarding an Address, when the sentiments are so respectful.

The List which has been presented to the officers, has their signatures affixed to it, and I request it may be forwarded with the Address.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) THOMAS G. MONTRESOR, Lieutenant-Colonel.

Secunderabad, 11th August, 1809.

(A true Copy.)
(Signed) CHARLES RUSSELL, First Assistant.

To the Right honourable Lord Minto, Governor General in Council, &c. Fort St. George.

My Lord,

I do myself the honour to lay before your Lordship, a copy of a Letter which I have just received from Lieutenant-Colonel Montresor, together with an Address to your Lordship, from the officers in the honourable Company's service at Secunderabad; and the several papers of Declarations which have been subscribed by those officers.

I have dispatched copies of the Address and Declaration to Lieutenant-Colonel Doveton, in the hopes that they may be signed by all the Company's officers serving with the detachments in Berar.

I trust I shall be pardoned, if I venture to express an earnest hope, that your Lordship may be induced to extend your clemency and favour to the officers of the Hydrabad subsidiary force. It is impossible to offer any excuses for their late proceedings, but it would be injustice to them, not to declare, that they appear fully sensible of their error; and, I

[No 2. F.] truſt, that they will hereafter be anxious to merit your Lordſhip's confidence and good opinion by the propriety of their conduct.

Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have the honour to be, with greateſt reſpect,

My Lord, your Lordſhip's moſt obedient humble ſervant,

Hydrabad, Auguſt 11th, 1809. (Signed) THOMAS SYDENHAM, Reſident.

To the Right honourable Lord Minto, Governor General, &c. &c. &c.

My Lord,

We, the under-ſigned officers of the honourable Company's Army, attached to the Hydrabad ſubſidiary force, are fully impreſſed with a ſenſe of the dangers that threaten the country; and not leſs actuated by thoſe firm ſentiments of loyalty and patriotiſm, from which we have never departed, beg leave to aſſure your Lordſhip, that we chiefly attribute the want of ſucceſs that attended Colonel Cloſe's miſſion, to the ſudden and unexpected manner in which he preſented the Teſt that was propoſed for our ſignatures. Relying, however, as we are now diſpoſed to do, upon the juſtice, clemency, and wiſdom of your Lordſhip, we do not heſitate in avowing our determination to abide by your Lordſhip's deciſion; and, as a proof of the ſincerity of our principles, have ſubſcribed to the Teſt which now accompanies this Addreſs; at the ſame time, truſting to your Lordſhip's generoſity in granting a general amneſty to us, and all thoſe who have engaged in the late unhappy events.

We have the honour to be, with the greateſt reſpect,

My Lord, your Lordſhip's faithful humble ſervants,

(Signed) 21ſt Regiment N. I.—Charles Farran, Major; Bowder, Captain; T. Baxter, Lieutenant; W. Varty, D°; H. Roſs, D°; G. L. Lewin, D°; H. Keating, D°; W. Ablery, D°; R. Calvert, Enſign; W. F. Ellis, Lieutenant; Allan, Enſign; H. A. Thompſon, D°.

1ſt Regiment, N. C.—Geo. Neale, Major; J. Campbell, Lieutenant; W. Chatfield, D°; E. Lawrence, Cornet; G. Faris, D°; E. S. Folis, D°; H. Smyth, Cadet, Duty.

2d battalion 5th Regiment.—H. Fraſer, Major; A. Moleſworth, Captain; T. Durand, D°; J. Harken, D°; G. Hunkin, Lieutenant; G. Maunſell, D°; W. Hall, D°; E. Thibert, D°; J. S. Trotter, D°; P. F. Farquharſon, D°; H. A. Howell, D°; Robert Gray, Enſign.

2d battalion 10th Regiment.—W. Harris, Major; R. Podmore, Captain; C. Sallwell, D°; J. W. Brown, D°; A Grant, Lieutenant; R. Seymour, D°; P. Morrill, D°; C. S. Lynn, D°; W. S. Mattly, D°; P. Graves, D°; J. Armſtrong, D°; A. Wilſon, D°; G. B. Tolſon, Enſign; C. Brown, D°; R. Cozens, D°; N. S. Auſten, D°.

1ſt battalion 16th Regiment.—C. Deacon, Major; P. N. Cuffley, Captain; P. Jenkins, Captain Lieutenant; H. Agar, Lieutenant; W. Petelford, D°; J. A. Lay, D°; J. Bolten, D°; H. Holmes, D°; J. A. Candell, Enſign; Richard Tenan, D°; A. Trueman, D°; R. Sheriff, D°.

Secunderabad, 11th Auguſt 1809.

We, the under-ſigned officers of the honourable Company's Service, do, in the moſt ſolemn manner, declare, upon our word of honour as Britiſh officers, that we will obey the Orders, and ſupport the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) 1ſt Regiment, N. C.—Geo. Neale, Major; John Campbell, Lieutenant; W. Chatfield, D°; Charles Lawrence; G. Faſies, Cornet; E. J. Fatis, D°; H. Smith, Cadet.

5th Regiment N. C.—R[t] Crewther, Lieutenant.

Secunderabad, 11th Auguſt 1809.

We, the under-ſigned officers of the honourable Company's Service, do, in the moſt ſolemn manner, declare, upon our word of honour as Britiſh officers, that we will obey the Orders, and ſupport the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) 2d battalion 5th Regiment.—H. Fraſer, Major; Arthur Moleſworth, Captain; W. Durand, D°; J. Hawkin, D°; Geo. Hankin, Lieutenant; Geo. Maunſell, D°; W. Hill, D°; C. Hanbert, D°; Trotter, D°; P. Farquharſon, D°; H. A. Howell, D°; Robert, Enſign.

2d Battalion, 10th Regiment of Native Infantry.

We, the under-ſigned officers of the honourable Company's ſervice, do, in the moſt ſolemn manner, declare, upon our word of honour as Britiſh officers, that we will obey the Orders, and ſupport the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) W. Hawes, Major; R. Todman, Captain; C. Saltwell, D°; J. W. Brown, D°; R. Seymour, Lieutenant; Chas. S. Lynn, D°; W. S. Malthy, D°; J. Armſtrong, D°; T. Wilſon, Enſign; G. Tolſon, D°; N. S. Amtin, D°; R. Cozins, D°; P. Graves, Lieutenant; A. Grant, D°; C. Brown, Enſign.

Signatures of the 1ſt Battalion, 16th Regiment, ſubſcribing to the Teſt.

(Signed) Charles Deacon, Major; P. N. Cuffley, Captain; T. Jenkins, Captain-Lieutenant; H. , Lieutenant; W. Pitchford, D°; H. Lay, D°; J. Sinclair, D°; J. Button, D°; J. A. Candell, Enſign; R. Sheriff, D°; R. Ternum, D°; A. Trueman, D°.

We

[No. 2. F.] Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

We, the under-signed officers of the honourable Company's service, do, in the most solemn manner, declare, upon our word of honour as British officers, that we will obey the Orders, and support the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commissions which we hold from that Government.

(Signed) 21st Regiment.—Charles Tarran, Major; H. Bowler, Captain; T. Butler, Lieutenant; W. Varby, D°; H. Ross, D°; Gerard; W. Tan. Ellis, D°; H. Keating, D°; R. Cole.
2d battalion, 21st Regiment.—S. Smithson, Ensign; Rich. Allan, Ensign.
21st Reg. 2d batt. N. I.—Henry Ablconde Thompson, Ensign.

(Confidential.)

To Lieutenant-Colonel Barclay, Military Secretary.

Sir,

I request you will do me the honour to inform Sir George Barlow, that my anxiety to forward without delay, the Address which was yesterday made by the officers of the Cantonment, to Lord Minto, prevented my forwarding a copy of it for the Governor's information, and I have at the same time to observe, that the omission could not be attended with inconvenience to the public service, as Captain Sydenham would make Sir George Barlow acquainted with the occurrence.

As the signatures of several officers of this part of the force, have neither been affixed to the Address or the Test, I enclose a List of the Officers absent from the Head-quarters of their respective corps.

Sir George Barlow will observe, that the names of the staff-officers belonging to this force are not attached to the Test. It arises from my never having required such signatures from them. Had I asked it of them at any time, I was sure of their immediate compliance, as I have always had the most perfect reliance on their knowledge of their duty, as well as their fidelity to Government.

I have not made any promise to the officers, or even given an opinion as to the effect of their Address, but it is my duty to say, that the endeavours of the senior officers have been unremitting, particularly since I addressed my Letter of the 9th August to Major Neale, to recal the junior officers from their fatal error; and these exertions have been in no instance more conspicuous, than in Major Neale, whom I have so often addressed as senior officer in the honourable Company's service, attached to this part of the force.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) THOMAS G. MONTRESOR,
Lieutenant-Colonel.

Secunderabad,
12th August 1809.

To Lieutenant-Colonel Barclay, &c. &c. &c.

My dear Sir,

I request that you will do me the favour to acquaint Sir George Barlow, that I have this day forwarded Letters from the officers at Seringapatam, Jaulna, Gooty, and Masulipatam. Those Letters contain a copy of the last Address to Lord Minto, together with the following paragraph:

"The above Address, with the Test, has been signed by all the officers of this force. Im-
"perious circumstances demanded, and mature reflection compelled them to this measure,
"which they earnestly implore their brother officers to adopt as speedily as possible."

I have the honour to be, my dear Sir,
Your faithful, obedient servant,
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad,
12th August 1809.

To the Honourable Sir G. H. Barlow, Baronet, K. B. &c. &c. &c. Fort St. George.

Honourable Sir,

I do myself the honour to transmit to you, copies of my two last Dispatches to the Right honourable the Governor General.

Every thing is perfectly tranquil both in the city and the British Cantonments. It may be expected, that the officers with the detachment in Berar, will follow the example of their brethren at this station, and will sign the Declaration unconditionally, trusting to the clemency and indulgence of the Government.

I had the pleasure of seeing His Highness the Nizam in full durbar this morning, and the assurances which it was in my power to make to him, respecting the actual condition of affairs, appeared to restore him to confidence.

I have the honour to be, with the greatest respect,
Honourable Sir, your most obedient and humble servant,
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad, 12th August 1809.

(Copy.)

To the Right honourable Lord Minto, Governor General, &c. &c. &c.

My Lord,

The knowledge of your Lordship's intention to proceed to Fort Saint George, appears to have diffused general confidence among all ranks of officers at this station. Your Lordship

[No 2. F.]

Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

will learn the several events which have taken place in the Cantonments at Secunderaba from the official reports which were made by Colonel Close to Major General Gowdie, a Sir George Barlow.

Intelligence has reached the Ministers, that the British detachment at Jaulna had mov towards Hyderabad, but the latest accounts which I have received from Lieutenant-Colon Doveton, and which are dated on the 6th of August, do not allude to any movement of t troops from Jaulna; I therefore conclude that the intelligence which has been received the city is premature.

The troops at this station, continue to conduct themselves with their usual regularity a decorum; the jealousy between His Majesty's regiment and the Company's troops, appea to be in some degree abated, and, I trust it will be in the power of Lieutenant-Colon Montresor to prevent any farther commotion in the Cantonments, till some measures c be taken by the Government to put an end to the present evils.

The most complete information of the difference between the officers and the Governme is possessed by all descriptions of people in the city. It is generally believed, that the whole the subsidiary force will shortly march towards the Carnatic; but there are various conjectur relative to the precise object of so extraordinary a movement. His Highness the Nizam w considerably alarmed, when these rumours first reached him; but when he received an a surance from me, that there was no just cause of apprehension, and that in any events should remain near His Highness's person, he recovered his confidence, and scarcely me tioned the subject.

I have made communication to Colonel Close, relative to the march of the Poonah su sidiary force across the Godavery, in the event of the Berar detachment moving fro Jaulna towards Hyderabad; as soon as I hear from Colonel Close upon the subject, I sh lose no time in submitting to your Lordship's notice, a plan for the protection of the fronti of the Nizam, during the present alarming situation of affairs.

With regard to the officers belonging to the Hyderabad subsidiary force; I am well co vinced that a general Pardon for all past offences coming from your Lordship's authorit will induce the majority of the officers to return immediately to their duty, and their ob dience to the Government. I imagine, that they are willing to abstain from any farth mention of the grievances under which they suppose themselves labouring; they seem wish to leave them to the decision of the honourable the Court of Directors, and all th they expect from your Lordship's clemency and indulgence, is, security for themselves a their brother officers.

I have the honour to be, with the greatest respect,
My Lord, your Lordship's most obedient and faithful humble servant,
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad, 11th August 1809.

(A true Copy.)
(Signed) THOMAS SYDENHAM, Resident.

To the Right honourable Lord Minto, Governor General, &c. &c. &c.

My Lord,

I do myself the honour to lay before Lordship, a copy of a Letter which I have ju received from Lieutenant-Colonel Montresor, together with an Address to your Lordsh from the officers in the honourable Company's Service at Secunderabad, and the sever papers of Declaration which have been subscribed by those officers.

I have dispatched copies of the Address and Declaration to Lieutenant-Colonel Doveto in the hope that they may be signed by all the Company's officers serving with the detac ment in Berar.

I trust I shall be pardoned, if I venture to express an earnest hope that your Lordship ma be induced to extend your clemency and favour to the officers of the Hyderabad subsidia force. It is impossible to offer any excuse for their late proceedings; but it would be i justice to them not to declare that they appear fully sensible of their error; and I tru that they will hereafter be anxious to merit your Lordship's confidence and good opinio by the propriety of their conduct.

I have the honour to be, with the greatest respect,
My Lord, your Lordship's most obedient and faithful humble servant,
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad, 11th August 1809.

(A true Copy.)
(Signed) THOMAS SYDENHAM, Resident.

My dear Sir,

Hyderabad, 12th August 1809.

I do myself the pleasure to transmit to you two sets of signatures of the officers of Artiller at Secunderabad; one to be attached to the Address to Lord Minto, and the other to th Declaration they sent to me this morning by Lieutenant-Colonel Montresor, having been b accident omitted in the packet which I received from him last night.

I have the honour to be, my dear Sir,
Your most faithful servant,
(Signed) THOMAS SYDENHAM, Resident.

Lieutenant-Colonel Barclay.
(Duplicate.)

[No. 2. F.]
Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Rerderaram, 14 cos from Hydrabad,
My dear Sir, 7th August 1809.

In my Letter to the honourable Sir George Barlow, of the 14th instant, I acknowledged the receipt of your secret and confidential Letter in cypher, dated 22d ultimo: this morning I received from Captain Sydenham your Dispatch of the 24th ultimo, enclosing another Letter in cypher, dated the 23d, to be substituted in lieu of that above mentioned. The sentence omitted in the substitute I perfectly comprehend.

Your Dispatch without date, containing a copy of the Letter from the Secretary of Government to Colonel Wilkinson, commanding the southern division of the Army, I have acknowledged in my express Dispatch to Major-General Gowdie, dated the 3d instant at night; but by a Dispatch from you to Captain Sydenham, of later date, it would appear that the above Letter from the Secretary of Government to Colonel Wilkinson was subsequently altered, so as to place some restriction on the extent of the Orders originally conveyed; of this Letter I have yet received no transcript.

The pressure of business, which I experienced at Hyderabad, prevented me from acknowledging, when it came to hand, your packet of the 22d July, containing a series of Letters in reply to the correspondence of Lieutenant-Colonel Malcolm, while recently at Masulipatam. I arrived here this morning, and shall continue to pursue my way towards Poona by easy stages, according to the plan intimated in my Address of the 4th instant to Sir George Barlow. But should I not receive any Dispatch in reply to my Express to Major-General Gowdie of the 3d inst., by the time I reach to Gapoor, I shall wait there for further orders from Government.

I have received a Letter from Mr. Chief Secretary Edmonstone, dated the 15th ultimo, apprizing me of the resolution of the Right honourable the Governor General to embark for Fort St. George in the course of a few days, and also a printed copy of the General Orders by the Right honourable the Governor-General in Council, relative to the proceedings at Masulipatam. I have not heard that any material occurrence has happened at Hyderabad since my departure from thence; but of course the correspondence of Captain Sydenham and Lieutenant-Colonel Montresor will keep Government informed of every material event that may happen there.

I remain, my dear Sir,
Your most faithful servant,
(Signed) By CLOSE, Colonel.

To Lieut.-Col. Barclay, &c. &c. &c.

Barrah-Akailee, 33 cos west of Hydrabad,
My dear Sir, August 12th 1809.

Last night I was honoured with your Dispatches of the 3d and 4th instant, with their several Enclosures, and I must say, that my powers of communication would be great indeed, could I impart to you the gratification I have derived from the expressions of approbation which you have conveyed to me from the honourable the Governor. To run from Poonah to Hyderabad was an easy task, but to subdue the difficulties opposed to me at the latter station, was too much perhaps for a single hand. To find my way into the cantonment even required management, and had I not attempted to avail myself of the occasion that happened, I could have had little hope of even finding another, or a temporizing or conciliating plan; I should have been immediately circumscribed, and insulated from the troops; besides that, any conduct on my part of a flexible nature would have fed the hopes of the officers, that Government might be borne down, and rendered them more sanguine that their schemes in the end would be crowned with success. The tone which I maintained throughout the struggle, is perhaps now operating favourably. It could scarcely fail to make a useful impression, as, in my present situation, I had not the means of complying with the directions of Government, contained in your Dispatches above noticed. I addressed a Letter to Captain Sydenham, and two Letters to Lieutenant-Colonel Montresor, copies of which I enclose, and which I hope will be approved of by the honourable the Governor. They were dispatched by a private Dawke, established by Captain Sydenham, as a part of my correspondence with him, since my departure from Hyderabad, has been interrupted apparently by the malcontents.

On my way from hence to Gapoor, I shall be little farther from Rawnaul, or any point on the Kistnah, in that neighbourhood, than if I had remained at Hyderabad; and Letters from the Presidency will reach me with certainty by the way of Poonah.

I have the pleasure to intimate, that the Bombay officers entertain the proper sentiments, and are staunch to their duty. Should the detachment of Jaulna venture to move, General Champayn, with the Seroor force, will be ordered to the northward in its room.

I remain, my dear Sir,
Your most faithful servant,
(Signed) By CLOSE, Colonel.

To Lieutenant-Colonel Barclay, &c. &c. &c.

To Lieutenant-Colonel Montresor, commanding the Hydrabad Subsidiary Force.

Sir,

Circumstances having compelled me to lay down my authority, as Commandant of the Hydrabad subsidiary force, and also to quit the vicinity of the Cantonment, I do myself the honour to enclose a copy of the General Orders, dated Head-quarters, Choultry Plain, August 3, 1809, containing a List of the Company's Officers who have signed the prescribed

[No. 2. F.] Declaration, in order that it may be publiſhed forthwith to the troops of the Hydrabad ſubſidiary force, agreeably to the intention of the Officer commanding the Army in Chief.

I have the honour to be, &c. &c. &c.

Barrah-Akailee, 33 coſs weſt of Hydrabad, Auguſt 11th, 1809, at night. (Signed) By CLOSE, Colonel.

(A true Copy.)
(Signed) By CLOSE, Colonel.

Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant-Colonel Montreſor, commanding the Hydrabad ſubſidiary force.

Sir,

I have the honour to forward a General Order by the honourable the Governor in Council, dated Fort St. George, Auguſt 3d, 1809, containing a Proclamation by Government, for the information and guidance of the native troops of the Army, which has been circulated amongſt the native corps at the Preſidency, by means of a tranſlation thereof, in the Hindoſtannee language, a copy of which is alſo encloſed.

As this General Order has been forwarded to me by deſire of Government, in the notice that I held the command of the Hydrabad ſubſidiary force; and after the events which have recently paſſed in the Cantonment, humanity alone requires that the Proclamation ſhould be made known to the native troops, whom it ſo particularly regards; I have judged it my duty to ſend you the Order and Tranſlation, to be applied as your zeal and diſcretion may ſuggeſt, for the good of the ſervice.

I have the honour to be, &c. &c. &c.

Barrah-Akailee, 33 coſs weſt of Hydrabad, Auguſt 11th, 1809, at night. (Signed) By CLOSE, Colonel.

(A true Copy.)
(Signed) By CLOSE, Colonel.

To Captain Sydenham, &c. &c. &c. Hydrabad.

Sir,

As, in my preſent predicament, I have not the means of complying with the inſtructions contained in the encloſed Diſpatch from Mr. Chief Secretary Falconar, I deem it my duty to tranſmit to you, eſpecially as the Dawke Department is under the controul of your Preſidency. You will obſerve, that in complying with the inſtructions alluded to, you are to forward, for the information of Government, any ſuſpicious Letters which you may be led to open, containing matter of a ſeditious or improper nature.

I have the honour to be, &c. &c. &c.

Barrah-Akailee, 23 coſs weſt of Hydrabad, Auguſt 11th, 1809, at night. (Signed) By CLOSE, Colonel.

(A true Copy.)
(Signed) By CLOSE, Colonel.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

I have received from Colonel Cloſe your ſecret Letter to his Addreſs, dated 26th July, relative to the ſearching of the public Tappals, &c.

Judging from the preſent temper and diſpoſition of the officers at this ſtation, I am perſuaded that the tenor of their preſent correſpondence is to prevail upon their brother officers at other ſtations, to ſubmit to the authority of Government, and to throw themſelves upon the clemency and indulgence of the Right honourable the Governor General in Council.

If I ſhould ſuſpect that any correſpondence of a dangerous and ſeditious nature is received, I ſhall uſe my endeavours to intercept it for the information of Government.

I have aſcertained, that one expreſs Letter from Lieutenant-Colonel Barclay to Colonel Cloſe was taken from the public runners, and carried to the cantonment at Secunderabad; the circumſtances under which the robbery was committed were ſo ſuſpicious, that it was ſome time before I could trace it to the cantonment. The perſons who ſtopped the Hircarrah, and carried off the Letter, were Mahrattas, looking much like the common thieves who infeſt all the roads near this capital. But I diſcovered that the Letter had been carried to the cantonment, and was ſent to the Committee; it related to the aſſiſtance which the Dewan of Myſore had promiſed to afford to Government, and I believe it produced rather a favourable effect upon the minds of the officers, by ſhewing the reſources which the Government could command, and of which they did not appear before ſenſible.

This is the only Diſpatch which they intercepted, although they had detached parties of Sepoys to carry off all the Dawkes that were coming to the poſt-office at the Reſidency. Arrangements have been made by the poſtmaſter to ſecure the regular diſpatch and arrival of all the Dawkes, and the runners have pledged themſelves for the ſafety of the packets.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,
(Signed) J. SYDENHAM, Reſident.

To Colonel Cloſe.

Sir,

Your Diſpatch to the honourable the Governor in Council, and the Commander in Chief, detailing your proceedings at Hydrabad on the 3d and 4th inſtant, have been ſubmitted to the

the Government. The firmneſs, judgment, dignity, and ability, which you diſplayed during the whole of theſe arduous proceedings, eminently entitle you to the warmeſt admiration and gratitude of the Government, and the applauſe of your country; your conduct, on that trying occaſion, adds to the number of important and diſtinguiſhed ſervices which you have rendered to the intereſts of your country in India. The Governor in Council is ſenſible, that if the exertion of great talents, and the influence of high character, could have reclaimed the troops at Hydrabad, you would have entirely ſucceeded in recalling them to a ſenſe of duty. Although circumſtances prevented the immediate ſucceſs of your meaſures on the 3d inſtant, the Governor in Council, in a conſiderable degree, aſcribes to them the favourable change that has ſince taken place in the ſentiments of the Hydrabad force; for it appears, that the battalion which you particularly addreſſed, was the firſt to declare in favour of the Government. You will have been apprized of the events that have occurred at Hydrabad ſince your departure from that place, and the honourable the Governor in Council conſiders it to be eſſentially neceſſary to the vindication of the honour of the Government, that you ſhould aſſume the command of the ſubſidiary force, and carry into effect the Orders of Government, for the march of a battalion to Goa, that have been diſobeyed. The Governor in Council is alſo deſirous of availing himſelf of your long experience and eminent talents, to re-eſtabliſh confidence and diſcipline amongſt the Britiſh troops at Hydrabad. The zeal and public ſpirit which diſtinguiſh your character, induce the Governor in Council to believe, that you will accept of that charge with the ſame readineſs which you manifeſted in undertaking the arduous and difficult ſervice lately committed to your execution; and he requeſts, that you will return to Hydrabad, and aſſume the command of the ſubſidiary force at the earlieſt convenient period of time.

[No. 2. F]
Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

The Governor in Council is not yet able to communicate to you the ſyſtem of conduct intended to be purſued towards the officers who have been engaged in the late ſeditious proceedings. It will be expedient, however, in the mean time, that the authority of Government ſhould be completely eſtabliſhed in the ſubſidiary force, and that the Orders for the march of a battalion to Goa ſhould be carried into execution without delay.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) A. FALCONAR,
Chief Secretary to Government.

Fort St. George,
21ſt Auguſt 1809.

Sir, Fort St. George, 20th Auguſt 1809.

I am directed by Sir George Barlow to acknowledge the receipt of your Letter of the 11th inſtant, enclofing an Addreſs to the Right honourable the Governor General, from a number of the officers of the Hydrabad ſubſidiary force, and a copy of the Declaration of the 26th July, ſigned by the ſame officers; alſo the receipt of your Letter of the 12th, with two Enclofures. I have laid your two Letters of the 12th to my Addreſs, before Sir George Barlow.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) R. BARCLAY,
Military Secretary.

Captain Sydenham, &c.
Hydrabad.

To Captain Sydenham.

Sir,

I am directed to acknowledge the receipt of your Letter, under date the 11th inſtant, and to expreſs the high gratification derived by the Government, from the ſentiments of obedience and duty that have been manifeſted by the officers of the ſubſidiary force. The return of thoſe officers to a ſenſe of duty muſt afford the moſt lively ſatisfaction to every Britiſh ſubject intereſted in the honour and proſperity of his country.

It is not practicable, at the preſent moment, to furniſh you with detailed Inſtructions relative to the meaſures to be purſued at Hydrabad. But indeed, before any inſtructions of that nature can be iſſued, it will be indiſpenſably neceſſary that the dignity and authority of the Government ſhould be eſtabliſhed by the reception of Colonel Cloſe, as Commanding Officer at Hydrabad, and the execution, under his direction, of the Orders of Government, which have been diſobeyed. Colonel Cloſe has accordingly been requeſted to return to Hydrabad, and aſſume the command of the ſubſidiary force, and detailed Orders reſpecting the ſettlement of affairs at Hydrabad, will be addreſſed to that diſtinguiſhed officer, at the earlieſt practicable period of time.

(Signed) A. FALCONAR,
Chief Secretary to Government.

Fort St. George, 22d Auguſt 1809.

To Lieutenant-Colonel Barclay, Military Secretary, Fort St. George.

Sir,

I have the honour to tranſmit to you, copy of a Letter from Lieutenant-Colonel Doveton, dated the 9th of Auguſt. The honourable the Governor will perceive, that Lieutenant-Colonel Doveton has ſucceeded in preventing the officers at Jaulna from complying with the ſummons of their aſſociates at this ſtation. I ſincerely hope that the Colonel will have it in his power to detain the detachment at Jaulna, until they be informed that their brother officers here have ſigned the Declaration of obedience to the Orders of Government. The knowledge of this circumſtance may probably induce them to abandon altogether the deſign of marching towards Hydrabad; even if the detachment ſhould have made a march or two

[No. 2. F.] Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

in this direction, the knowledge of their brother officers having submitted to the authority of Government, will probably prevail upon them to return to Jaulna.

I have the honour to be, Sir,
Your most obedient servant,
Hyderabad, 14th August 1809. (Signed) THOMAS SYDENHAM, Resident.

To Captain Thomas Sydenham, Resident at Hyderabad.

Sir,

I have the honour to report, for your information, that another peremptory call for the detachment to move, has been received from the Committee at Secunderabad.

On receiving this information, I lost no time in assembling Commanding Officers of corps and others at my quarters, and of expressing to them my determination not to permit any part of the troops under my command to move on such a call. I have reason to suppose, that they have in consequence *again* given up the idea; at the same time, it is necessary I should state to you explicitly, that if these demands are repeated, and the regular Dawkes do not arrive (a circumstance which has excited a fresh alarm in their minds, of the hostile intentions of Government) I despair of being again able to prevent it.

I have the honour to be, &c. &c. &c.
Jaulna, (Signed) J. DOVETON,
9th August 1809. Lieut.-Col. commanding detachment in Berar.

P. S.—I want words to express to you the ferment which now exists in the minds of the officers here.

(Signed) J. DOVETON, Lieut.-Col.

(A true Copy.)
(Signed) THO' SYDENHAM, Resident.

To Lieutenant-Colonel Barclay, Military Secretary, &c. &c. &c. Fort St. George.

Sir,

I do myself the honour to transmit you, for the information of the honourable the Governor, a copy of a Letter which I this day addressed to Lieutenant-Colonel Doveton, in reply to his Letter of the 9th instant.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad, 14th August 1809.

To Lieutenant-Colonel Doveton, commanding the Detachment in Berar.

Sir,

I have the honour to acknowledge the receipt of your Letter dated the 9th instant, and am extremely happy to learn, that you have again succeeded in preventing the officers under your command from yielding compliance with the summons from their associates at this station. I venture to express a confident expectation that you will be equally successful in persuading the officers not to leave Jaulna, and not to abandon the important national interests which are committed to their custody and defence.

You will have learnt, before the arrival of this Letter, that the officers at this station have signed a Declaration of obedience to the Orders of the honourable the Governor in Council at Fort St. George. A copy of that Declaration, I have already had the pleasure of transmitting to you.

I now enclose a copy of a private and confidential Letter from the Military Secretary to the honourable the Governor, dated the 27th of July; you will here perceive, that the officers who have not signed the Declaration, have retired from the exercise of military functions; some officers signed the Declaration, others have retired, but, excepting in one instance, none of the officers in the Carnatic have ventured to resist the legal and established authority of Government.

If the officers at Jaulna should unfortunately persist in marching towards this place, I trust that the above circumstance, joined to the knowledge of the officers here having submitted to the authority of Government, will induce them to return to India.

But, if no considerations of public duty should prevail upon them to abandon their designs, I have to inform you, that it has been arranged between the Resident at *Poona*, that this subsidiary force, under the personal command of Major-General Champayne, shall march into Berar for the purpose of affording protection to that Province, and security to the frontier of His Highness the Nizam.

I have the honour to be, &c. &c. &c.
(Signed) THOMAS SYDENHAM, Resident.

Hyderabad, 14th August 1809.

(A true Copy.)
(Signed) THOMAS SYDENHAM, Resident.

To Alexander Falconar, Esquire, Chief Secretary to Government: Fort Saint George.

Sir,

I have received from Colonel Close your secret Letter to his Address, dated 26th July, relative to the searching of the public Tappals.

Judging

[No. 2. F.]
Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Judging from the present temper and disposition of the officers at this station, I am persuaded that the tenor of their present correspondence, is to prevail upon their brother officers at other stations to submit to the authority of Government, and to throw themselves upon the clemency and indulgence of the Right honourable the Governor General in Council.

If I should suspect that any correspondence of a dangerous and seditious nature is received, I shall use my endeavours to intercept it for the information of Government.

I have ascertained, one express Letter from Lieutenant-Colonel Barclay to Colonel Close, was taken from the public runners and carried to the cantonment at Secunderabad. The circumstances under which the robbery was committed, were so suspicious, that it was some time before I could trace it to the cantonment. The persons who stopped the Hircarrah, and carried off the Letter, were Mahrattas, looking much like the common thieves who infest all the roads near this capital. But I discovered that the Letter had been carried to the cantonment, and was sent to the Committee: it related to the assistance which the Dewan of Mysore had promised to afford to Government, and I believe it produced rather a favourable effect upon the minds of the officers, by shewing the resources which the Government could command, and of which they did not appear before sensible.

This is the only Dispatch which they intercepted, although they had detached parties of Sepoys to carry off all the Dawkes that were coming to the post-office at the Residency. Arrangements have been made by the post-masters to secure the regular dispatch and arrival of all the Dawkes, and the runners have pledged themselves for the safety of the packets.

I have the honour to be, Sir,
Your obedient humble servant,

Hydrabad, 15th August 1809. (Signed) T. SYDENHAM, Resident.

My dear Sir, Hydrabad, 15th August 1809.

I have the pleasure to acquaint you, for the information of the honourable the Governor, that tranquillity prevails both in the city and cantonments; on the 11th of August, the Berar detachment had not left Jaulna, but the agitation amongst the officers there was considerable, and therefore it is difficult to know whether they may not resolve on marching towards Hydrabad.

Since my visit to the Nizam, the absurd and exaggerated rumours which were afloat through the city, are subsiding.

We hear that the troops at Masulipatam had not left the Garrison, and had not seized upon any public property.

I have the honour to be, my dear Sir,
Your faithful and obedient servant,

To Lieutenant-Colonel Barclay, Military Secretary, &c. &c. (Signed) THO^{s} SYDENHAM, Resident.

To the honourable Sir G. H. Barlow, Bart. K.B. Governor in Council, &c. Fort St. George.

Honourable Sir,

I do myself the honour to transmit to you, open, my official Address, No. 2, to the Right honourable the Governor General in Council.

I have received accounts, that the detachment in Berar would probably leave Jaulna the 14th or 15th of the month; but I still hope that the Letters from this station, which will reach the detachment about the 18th, will induce the officers to return to their cantonments.

I have the honour, &c.

Hydrabad, 16th Aug. 1809. (Signed) THO^{s} SYDENHAM, Resident.

To Alexander Falconar, Esq. Chief Secretary to Government: Fort St. George.

Sir,

1. I have this day received a communication from the Resident at Hydrabad, informing me, that the officers of the subsidiary force there have all signed the Test, and thrown themselves on the mercy of Government.

2. Captain Sydenham enclosed to me an Address from the force at Hydrabad, to Colonel Bell, and their brother officers at Seringapatam, intreating them to adopt a like measure; and he informs me, that Letters of equal import have been circulated among all the troops under the Presidency of Fort St. George.

3. As I am not aware of the full intentions of Government, relative to the refractory Garrison of Seringapatam, whose proceedings have been marked by outrage and opposition, of a most traiterous and insidious nature, it is not my intention to forward to Colonel Bell, and his officers, the request of the Hydrabad force, until I shall be authorized by the Orders of my Government so to do; nor shall I hold further communication with Colonel Bell and his Garrison, unless on terms of unconditional submission, on their part, to the mandates of the Right honourable the Governor in Council.

4. I have sincere pleasure in congratulating Government on the fidelity evinced by the native troops under Colonel Davis's command; and I am happy in stating, that I continue to receive every cordial efficient aid from the Dewan; and that the confidence which has ever marked the conduct of the Mysore Government towards that of the honourable Company, never existed in higher perfection than at this present period.

I have the honour to be, Sir,
Your most obedient humble servant,

Mysoor, 18th Aug. 1809. (Signed) A. H. COLE, 1st Assist. in charge.

[No. 2. F.]

Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant-Colonel Barclay, &c. &c. &c.

My dear Sir,

Last night I was honoured with your Letter of the 6th instant, exhibiting a view of the position of affairs in the different provinces under the Presidency, detailing the different movements of the troops, in meditation, or in progress, and adverting to the period at which the troops destined for the Kistna, may be expected to arrive in that quarter.

In regard to myself, I can only repeat that I shall continue in this security, until honoured with final instructions from Government. The event which has lately taken place at Hyderabad I have adverted to in a private Letter of this date, which goes by this conveyance.

I remain, my dear Sir,
Your most faithful servant,
(Signed) B^r CLOSE,
Colonel.

Comadabad, 47 cos west of Hyderabad,
14th August 1809.

My dear Barclay,

Since writing to you yesterday, by the way of Poona, I have learned from Captain Sydenham, that the officers at Hyderabad have addressed a Letter to Lord Minto, and signed unconditionally the prescribed Declaration. Although it may not be strictly proper to anticipate the disposition or sentiments of Lord Minto, at a crisis like the present, I would yet hope, that if his Lordship manifest a disposition to accept the application from the officers at Hyderabad, the honourable Sir George Barlow will, in his clemency, not withhold an assenting voice. The system of measures adopted by Sir George Barlow for restoring obedience and order, has, by the signing of the officers at Hyderabad, not failed to be acquiesced in, from the valuable example which they have set, though at a late hour, and that public justice must have its course; it is but too true, that guilt may be found and marked elsewhere; but enough you will think I have said;—as much as a due respect for the wisdom of my superiors will warrant.

Yours, my dear Barclay, most truly,
(Signed) B^r CLOSE.

Comadabad, 47 cos west of Hyderabad,
14th August 1809.

My dear Barclay,

I find the officers at Hyderabad have intercepted an express from you to my Address, containing copies of some correspondence from Seringapatam, in which it was stated, that Poorniah was ready to support Government with the whole of the Rajah's troops. If this was the principal information contained in the packet, the loss of it is not much to be regretted.

I hear the officers at Hyderabad are preparing an Address for Lord Minto, and that they use a high tone, anxious to maintain to the last their character, as leaders of the combination: they not only demand pardon for themselves, but for all their brethren in guilt. If they succeed in this aim, there will be no cure. You will have seen, that the last paragraph of Lord Minto's of the 20th July, is rather cautiously worded. This circumstance, I can assure you, have been noticed at Hyderabad, and, I am afraid, with no desirable effect. This should be known to Sir George Barlow, as much indeed will depend on the tone with which his Lordship opens his proceedings. You ought to let me know whether any emissaries have been dispatched from the Carnatic to open the eyes of the native troops at Masulipatam, Bellary, and on the Decan: one man from the Presidency, employed for such a purpose, would be worth hundreds from any other quarter.

I am happy to perceive that the force at the Mount is brigaded, and that the native cavalry regiments are so well headed. I apprehend it will soon be seen, that to * leave effectually this force must be *nigher* at hand. But we must wait the effect of his Lordship's arrival.

* *Quere.*

Yours, my dear Barclay, most truly,
(Signed) B. CLOSE.

40 cos west of Hyderabad,
13th August 1809.

Colonel Close.

Sir,

I am directed by the honourable the Governor in Council to request, that you will not carry into execution the Orders conveyed to you in my Letters of the 21st instant, for the march of the 2d battalion of the 10th regiment Native Infantry to Goa, or make the intention of Government on that subject known to any person, until you receive further instructions from the Governor in Council relative to it.

If the 2d battalion 10th Regiment should, however, have marched from Hyderabad for Goa, in consequence of the original Orders of Government to that effect, or by order of Lieutenant-Colonel Montresor, you will permit the corps to proceed.

I have the honour to be, Sir, &c.
(Signed) A. FALCONAR,
Chief Secretary to Government.

Fort St. George,
24th August 1809.

(Confidential.)

To Lieutenant-Colonel Barclay, Military Secretary.

Sir,

I have the honour to transmit, for the information of Sir George Barlow, the following extracts from Letters, dated Jaulna, 12th August. The first was in a Letter to me, and is to be depended upon, but I am ignorant from whom the others came.

Extract

[No. 2. F.]
Enclosure No. 41. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Extract 1st.—" The ſtores and every thing here have been reſolved by Colonel Doveton's " orders, and we ſhall march on Monday morning (14th.)"

Extract 2d.—" The advance of the detachment march the day after to-morrow, and the " ſtores, &c. &c. two days after them."

Although no intimation of this intended movement has been ſent to me by Lieutenant-Colonel Doveton, I have no doubt as to the fact; I hope, however, when the detachment at Jaulna hears of the officers at this ſtation having ſigned the Declaration offered by Colonel Cloſe, they will follow their example and return to their poſt; but I am ſorry to obſerve, by the whole tenor of the Letter addreſſed to me, that the minds of the officers at Jaulna ſeem highly irritated.

I have the honour to be, &c. &c.
(Signed) THO^{s} G. MONTRESOR,
Lieutenant-Colonel.

Secunderabad,
17th Auguſt 1809.

My dear Colonel,

I have received your Letter of the 10th, with its Enclosure, and I have ſent copies of both of them to Colonel Cloſe, who, on the 14th, was at Hoornarabad. I have already had the pleaſure to inform you, that the officers at this ſtation have ſigned the Teſt, and have thrown themſelves upon the clemency of Lord Minto. I have ſent you a copy of their Addreſs to His Lordſhip.

The Jaulna detachment had reſolved to move, and were to march on the 14th or 15th of the month. But I ſincerely hope, that the Letters from this ſtation, which the officers in Berar will receive about the 18th, may induce them to return to Jaulna, and put the cauſe of the Army into the hands of Lord Minto.

I did not receive a line from Madras till the night of the 3d, while I was copying Colonel Cloſe's official Report, ſo that my inſtructions did not reach me till after Colonel Cloſe had attempted to carry his Orders into effect, and had failed; ſince that period, I have been doing nothing, but endeavouring to recall the officers here to a ſenſe of their duty, and in prevailing upon them at Jaulna to remain ſteadily at their poſt. Colonel Cloſe can tell you how hard I had laboured, without the proſpect even of thanks, for my conduct has rendered me unpopular among the officers, and, I am afraid, obnoxious to the Government. By the latter I am ſuppoſed puſillanimous; by the former, harſh and arbitrary; however, my conduct has the warrant and ſanction of my own conſcience: it will not be diſapproved by impartial and thinking men.

If the Madras detachment ſhould croſs the Godavery, General Champagne with the Poona ſubſidiary force, will ſupply its place at Jaulna. I mean to ſend up my brother George with Rajah Govind Bukſh, to collect the Nizam's contingent, and to aſſiſt General Champagne in his communication with the natives, and in conducting his Durbar.

I have juſt received an expreſs from B. Cloſe, announcing the death of Seye Row Ghautky, who was murdered in a ſcuffle at Scindia's Durbar.

I encloſe a copy of a private Letter from Jenkins. It is probable that we ſhall require all the ſtrength we can ſpare, to protect Berar after the rains. Lord Minto had not quitted Calcutta on the 28th ultimo, and was not expected to ſail till the 1ſt Auguſt. It is great pity there ſhould be any delay. I am afraid he will have a boiſterous and a tedious paſſage.

Your's ever, moſt truly,
(Signed) T. SYDENHAM.

Hydrabad, 17th Auguſt 1809.

Extract of private Letter from Mr. R. Jenkins, acting Reſident at Nagpore, to Captain Sydenham; dated the 5th Auguſt 1809.

This Government is kept in great alarms, by Meer Khan's proceedings. He has realized a ſmall tribute from Deeree, by dint of a little battering; and the Saugun and Gurry Cotta men have Vakeels in his camp, to ſettle with him on the ſubject of his demand on them. In the mean time, Meer Khan has made one march from Deeree, in the direction of Jubbulpoor, from which place, by the laſt accounts, his encampment was diſtant only 18 coſs. The Rajah's Vakeels, who were ſent to negotiate with him, are on their return to Nagpore, accompanied by a Vakeel on his part, to enforce the demands already made, from which Meer Khan does not appear inclined to abate a farthing. There are ſaid to be near fourteen lacks for himſelf, beſides an indefinite claim for remuneration, to a more exorbitant amount, for the property belonging to Holker, plundered when the latter was priſoner at Nagpoor; and Meer Khan declares his poſitive intention of taking up, for the preſent, his quarters in Gurry Mundella, and after the rains, of marching to the capital, ſhould his demands not be ſatisfied before that period.

The Rajah, conſequently, is now preparing for the worſt, by raiſing and diſciplining infantry at Nagpoor, and equipping all his artillery for ſervice. He has hopes, from the accounts received, that Scindia is determined to ſend a force to co-operate with him againſt Meer Khan, but the ſuccour appears diſtant and doubtful, and it will of courſe depend much upon the pecuniary advantage Scindia may expect to receive from his aſſiſtance. He entertains hopes, though I am afraid ill founded, of aſſiſtance from us, ſhould the extremity of his affairs oblige him to apply for it. Meer Khan will really become exceedingly formidable, ſhould he come down in this direction with the whole hoſt of Pindarries at his heels, and it would be almoſt too much to expect that Berar would altogether eſcape. The very circumſtance of his bringing a large predatory force acroſs the Nerbudda, would juſtify us in ſupporting the

[No. 2. F.] Enclosure No 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Rajah, independently of the dangerous character of the man, and of the danger of allowing him to weaken the Rajah more than he is at present. Meer Khan is not yet joined by his battalions, but I hear that a Cumpoo of his, with 26 guns, is arrived at Bhulia, on its road to join him.

The present state of things, with regard to the Coast Army, is truly alarming; but I trust the reasonings of cool and dispassionate men will, in the end, affect a peaceable settlement of the business. We are surrounded with enemies, ready to take advantage of any disunion amongst ourselves, and it would be that disunion, if any thing, which would enable them to wound the heart of our power. Coercion has been tried, as far as it can be, whether justly or not. Justice, indeed, is not now the question, but expediency, and that seems imperiously to call for conciliatory measures, as the only mode of preventing the worst of consequences.

Colonel Close, &c. &c. &c.

My dear Sir,

I am directed by Sir George Barlow to acquaint you, that although he has not received any official information on the subject from the Resident at Hydrabad, or from Lieutenant-Colonel Montresor, yet the concurring reports in private Letters give reason to believe, that the troops at Hydrabad, or rather the European officers, when they signed the Declaration, were not in such a state of subordination, as that they can be depended upon.

Independent of these local circumstances, the certainty of the resolution of the Jaulna Division of the force, to march on the 14th instant, to join the Head-quarters at Hydrabad, may hurry that part of it into a repetition of some act of open resistance to the authority of Government, such as might render your situation there unpleasant, without the support of more of His Majesty's troops than the regiment now at Hydrabad.

Sir George Barlow therefore wishes you to consider the Orders which were lately transmitted to you, directing you to repair to Hydrabad, to be discretionary with you, and that you will either proceed to Hydrabad direct, or come down to Gooty, and take the command of the force assembling there, and carry it on with you to Hydrabad, according to the dictates of your own judgment, guided by the information which you will be in possession of, respecting the state of affairs at Hydrabad, at the time when you will receive this Letter.

I have the honour to be, dear Sir,
Your faithful and obedient servant,
(Signed) R. BARCLAY, Military Secretary.

Fort St. George,
26th August 1809.

(True Copies.)
(Signed) A. FALCONAR,
Chief Secretary to Government.

Enclosure, No. 42.

Sir, Masulipatam, 15th August 1809.

WE have the honour to acquaint you, at the request of the officers of the Garrison, that it is their earnest desire, to await in good order and tranquillity, the arrival on the coast of the Most honourable the Governor-General Lord Minto.

Relying on the purity of our intentions, and our unimpaired loyalty to our King and Country, we look forward with confidence to his presence to restore order, and to remove the unhappy agitation pervading the minds of the officers of the Coast Army.

We do intreat that we may not be driven to the extremity of reforting to measures of self-defence.

Anarchy and bloodshed, and the ruinous effects which may result therefrom to the interests of our honourable employers, are viewed by us with those sentiments which should ever animate the officers of any Army.

We request you will have goodness to communicate to the Government our determination, to perform the duties required of us as good and loyal soldiers, in the full expectation of receiving every redress from the wisdom of the Supreme Power.

(Signed) J. STORY, Major.
AUG. ANDREWS, Captain.

To Major-General Pater, commanding the northern division of the Army.

To the Adjutant-General of the Army.

Sir,

By my Letter of yesterday, the Commander in Chief will perceive, that the Express under date the 9th instant, was delivered to me only on the 14th, and will account for any apparent delay in the execution of his Orders; on the receipt of which having no other means of making the requisite communication to the native commissioned, and European and native non-commissioned and privates of the corps in Garrison at Masulipatam, I determined immediately to order the whole of the troops on parade. In a short time after the dispatch of that Order, I had a visit from Major Hallewood, by whom I was informed, that two officers, deputed by the Garrison, were upon the road to my garden, for the express purpose of declaring the intention of the Garrison to pay implicit obedience to all my orders. Scarcely an hour had passed, when Major Story and Captain Andrews were at my house, and personally communicated to me their disposition to submit entirely to my authority, and that they were ready to use their influence with their brother officers to bring them all to my opinion,

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opinion, assuring me as a reason, that they were moved to this change of conduct from a consideration of saving an effusion of blood, and preventing the alarms and calamities that might eventually reach and weaken the present efforts in the arduous contest of their country. After repeating and recapitulating sentiments to this effect, they expressed a desire, that I should delay my proceeding to the Fort, until I received some further intimation from them: this, however, I was determined, should in no way influence or retard the measures that I had proposed to put in execution; in which determination I was more especially guided, by private information, that a considerable body of the officers and the troops were not inclined to submit unconditionally to the authority of Government; therefore, without waiting for further notice from Major Storey, or Captain Andrews, I repaired to the Fort before the hour appointed, conceiving my presence might bring their deliberations to some beneficial result: on approaching the Fort, I was met by Major Hazlewood, whose report unhappily confirmed the intelligence that I had privately received, and who intimated his apprehension, that the troops could not be in readiness for the parade at the time I had appointed. I told him the orders had been given, and could not be revoked; at all events, I was determined that I would be personally satisfied of the real state of the Garrison. Having entered the Fort, I expressed my desire to the officers commanding the corps, that they might be assembled on parade with the least possible delay, and a little after five I found the Madras European Regiment under arms: on presenting myself before the colours of the corps, I was received with the usual ceremonies of respect, the band playing "God save the King;" the music having ceased, I addressed the corps, expressing the deep concern I felt on the late unhappy events, and my earnest hopes and expectations, that one and all would return to a proper sense of their duty, and their obedience to all the orders of Government, by whose command I had been directed to assemble them on parade, and that I should read a Paper, under that authority, which I had been ordered to communicate to him.

I then delivered the Paper to be read, to Major Crosby, who at my desire had accompanied me to the Fort, which, though he began to read sufficiently loud to be heard, and was rather in advance of me, and I was standing far within the point from which such communications are usually made, the senior officer, Captain Andrews, advancing a few paces, made a request that Major Crosby would approach still nearer to the corps, that he might be distinctly heard by all the men. I think it proper to notice these circumstances, as it appeared in conviction of the perfect reliance of the officers on the men, and I lament to say, that the result manifested too plainly, that their confidence was not unfounded: when the Paper had been read, I again addressed the corps, desiring those who were willing to return to their duty and obedience to Government, would recover their arms and fall out in front; but I am grieved to state, that not a man moved, or indicated any willingness to advance. I remained in my position for four or five minutes; immediately after, in one voice, extending through the whole line, they exclaimed, "Our Officers! our Officers! our Officers!" All again was silent; but on turning to proceed to the right flank, I heard a shout, which commenced in the left wing, of "Grievances Grievances;" and upon stepping up to the company that appeared most clamorous, and desiring to know what grievances they had to state, they exclaimed, "Our Officers have been unjustly used—a Lieutenant's period of service—Bengal Allowances." These sentences were running through the line, and to preserve order the officers in charge moved forward, and reported, the same sentiments prevailed in their respective companies. I signified that I should report what had occurred, and finding that further efforts to bring this corps to a sense of its duty could be of no avail, I directed the senior officer to move it off to the barracks, when the same ceremonies were observed as on my first appearance on parade, and after the salute the senior officer moved out a few paces to the front, and said, "General Pater, I hope you do not doubt or harbour any suspicion of the loyalty of this corps. I do declare to you, Sir, upon my sacred honour, in front of these colours, that there is not an officer, or a man, who would not freely shed the last drop of his blood in defence of his King and Country; but we have suffered certain grievances, which we require to be redressed, and which have occasioned the present agitation throughout the Army."

This, under some variety of expression, but all tending to the same purpose, was repeated by Captain Andrews, at the moment of my leaving his parade. After the corps had been wheeled into companies, they gave three cheers, and again exclaimed, "Our Officers! our Officers!—the last drop of blood for our officers!"

I next proceeded to the battalion, which was then marching up to the parade in columns of companies, and being wheeled into line, the same ceremonies were observed as upon my appearance before the Madras European Regiment. I then began by exhorting the native commissioned, non-commissioned, and privates, to return to a due observance of all Orders from Government, in nearly the same expressions I had uttered to the other corps, and after preparing them for the purpose, by giving the word "Attention," I directed the Resolutions of Government to be explained to them, which being done, I desired those who wished to take the benefit offered by those Resolutions to recover their arms, and step forward; but here again I had to feel the same mortification which I had experienced on the parade of the Madras European Regiment; and I am to sorry to report, that there was not an individual who moved, or seemed inclined to move to the front. Having thus failed in my attempts to prevail upon this corps also to return to their duty, I directed them to march to the barrack, when the compliment of respect was observed as usual, but when wheeled into open column, and put on their march, the corps gave three shouts of "desire! disorder!" The Europeans, on hearing this, gave them a salutation of huzzas, which was returned by the natives with the same shouts of din.

Having done all in my power to give effect to the expectations of Government, in the

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Fort of Masulipatam, I repaired without loss of time to the parade of the Artillery Company at the cantonments, and though the Artillery could have had no communication of my unsuccessful efforts in the Garrison, and though I strenuously urged them to take the advantage that it affords of the clemency of Government, yet now again I found any representation, and the resolutions of Government, were totally unregarded—not a man stepped forward. I then asked them, if they had any complaint to make, but the whole of them remained in sullen silence, and marched off apparently with a determined resolution of supporting the troops in Garrison.

I have been thus minute in noting the occurrences of this eventful day, that the Commander in Chief may form an accurate judgment of the several particulars, as they relate to the whole, and desire and direct such further measures as he may deem proper on this occasion to be carried into execution.

(Signed) J. PATER, Major-General,
Commanding the Northern Division of the Army.

I have this moment received a Letter from the Garrison of Masulipatam, which, considering that it may give the honourable the Governor a further insight into the views and intentions of the officer, I take the liberty of enclosing it herewith, although I have returned no answer whatever to the Address, as it is impossible for me, under existing circumstances, to have any official communication with any member of the Garrison.

I am happy to communicate, for the information of the Commander in Chief, that on due consideration of my councils, Lieutenant Bowler, my Aid de Camp, has determined to sign the Pledge, and I have accordingly to request, that he may be allowed to continue in his staff situation.

(Signed) J. PATER, Major-General,
Commanding the Northern Division of the Army.

The Chief Secretary to Government: Fort St. George.

Sir,

Although I have not received any particular orders on the subject, yet I consider it to be my duty, to report all circumstances and transactions happening within the limits of this Zillah, in any manner connected with the present state of the Army.

When I had the honour to address you on the 6th instant, I expected ere now that I should have had to report the actual movement of the troops from this station.

I am happy, however, to say, that they have not yet marched, and that I have some reason to hope they will not march, except in the event of a force being sent to act against them.

The troops were in perfect readiness, and could certainly have marched on the 8th instant, but for the receipt of a Calcutta newspaper of, I believe, the 22d July, containing a General Order, published by the Right honourable the Governor General in Council of Fort William, on the occasion of his Lordship's embarkation for Madras.

On the receipt of the General Order in question, that officer resolved to address a Letter to the Right honourable the Governor General Lord Minto at Madras, and to desist from marching (unless compelled) till an answer to that Letter should be received.

A Letter was accordingly written, I am informed, and dispatched to Madras by express a few days ago, since which the troops have remained quiet, but all in complete readiness to march at a moment's notice.

A camp is pitched outside the city, and I understand the troops are about to quit the Fort, and remain under canvas, for the greater facility of movement, if necessary.

The utmost consternation and alarm prevailed among the inhabitants of Masulipatam for some days, but their minds are now more at ease, in consequence of Major Storey having addressed a Letter to me, requesting, with reference to the alarm, that I would assure the people every protection should be afforded to them; they were apprehensive of being plundered by the soldiery.

If the troops should still unfortunately proceed, I am not without hopes of being able to preserve peace and order in the city, especially as I understand it is intended to have a small force for the purpose of protecting the Garrison.

I have this day addressed a Letter to the Chief Secretary to the Government, at Fort William, acquainting him, that the troops have not marched, and explaining the reason, as I understand it.

I have, &c. &c. &c.

(Signed) TOD, Register and Assistant
Magistrate in charge.

Zillah Court, Masulipatam,
11th August 1809.

A. Falconar, Esq. Chief Secretary to Government.

Sir,

Masulipatam, 16th August 1809.

I was honoured with your Letter by express of the 10th instant at 5 P. M. of yesterday, to which I shall have the pleasure of answering in detail to-morrow or next day, but the enclosed, which I have this moment, 11 A. M. received, supersedes for the present every other consideration; and I beg to congratulate the honourable the Governor on the happy event which, I understand, is to take place this afternoon—the unconditional surrender of the fortress of Masulipatam to the Orders of Government, on the signatures of the officers to the required Pledge of obedience to the Government.

The directions which accompanied the Pledge, communicated the particular wish and desire

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ſire of the Governor, to exclude from the benefit of the Declaration a certain deſcription of the officers, who appeared to have been peculiarly inſtrumental in exciting the late unhappy commotions. But as I apprehend that the honourable the Governor had no idea of the concurrences which are communicated in this Diſpatch, when he gave the above inſtructions and as I have reaſon to think that any exceptions of this nature might drive ſeveral individuals to a ſtate of deſperation, and would certainly occaſion a conſiderable ferment in the Garriſon, which at this ſeaſon is particularly to be avoided; I mean to take a diſcretionary power on myſelf, by extending the proffer of the Declaration to every individual; and I earneſtly hope that the honourable the Governor will coincide in opinion with me on this ſubject, particularly as the number of officers excepted under the operation of his directions, and who muſt neceſſarily be ſuſpended from their military functions, would leave an inſufficient number to execute the duties, and maintain the tranquillity of the Garriſon.

The motives which induced the Diviſion Staff to decline affixing their ſignatures to the Declaration of obedience, namely, the dread of being obliged to fight againſt their brother officers, being now done away, theſe officers have now come forward to ſign the Pledge, and I have, for reaſons which I ſhall hereafter have the honour of aſſigning, appointed them to act in their late ſtaff ſituations, until the pleaſure of the honourable the Governor ſhall be known.

A fracas in the lines of the Artillery Company, which took place laſt night, in conſequence of the diſorderly conduct of ſome Europeans and gun Laſcars, occaſioned a conſiderable agitation for ſome time. The march of a ſtrong detachment from the Fort reſtored every thing to order, although two men were wounded by ſeveral of the drunken Europeans firing off their pieces at random; but the remainder of the Company are reported to have been perfectly ſteady, and have drawn up all their guns, as they ſaid, for the purpoſe of defending themſelves from the Sepoys, who, they had underſtood, were marching in force, without their officers, to attack them.

Every thing is quiet and tranquil to-day, and I hope in the courſe of a few days to have the ſatisfaction of reporting, that the Northern Diſtrict is once more in a ſtate of complete order and ſubordination.

I have, &c. &c. &c.

(Signed) J. PATER, Major-General,
Commanding the Northern Diviſion of the Army.

P. S.—I have now the happineſs to inform you, that the Garriſon has been delivered up to me, and that I now hold it for the Government.

(Signed) J. PATER, Major-General.

P. S.—The Garriſon has been ſurrendered, and the officers have pledged themſelves to obey my orders; circumſtances, however, have occurred which the lateneſs of the evening, and my anxiety to inform you of this event, by the immediate diſpatch of this Letter, induce me to defer giving an account of till to-morrow morning. The Garriſon, however, is in the moſt perfect ſtate of tranquillity and ſubordination.

(Signed) J. PATER, Major-General.

Seven P. M.

To Major-General Pater, commanding Northern Diviſion of the Army.

Sir,

I have the honour to requeſt your attendance in the Fort as ſoon as convenient; and as I have been given to underſtand that there is a Pledge or Teſt of our loyalty intended to be offered for ſignature, beg you will bring it with you, as there never could have exiſted a doubt or heſitation in the minds of the officers of this Garriſon to ſubſcribe thereto.

(Signed) J. STOREY, Major,
Commanding Bunder.

Maſulipatam, 16th Auguſt 1809.

The Chief Secretary to Government.

Sir,

The circumſtances which I hinted at in my poſtcript of laſt night, I had intended to write to you more fully on to-day, but at preſent I have only time to ſay, that I was placed in ſo critical a ſituation when I went to take charge of the Garriſon, that I have no heſitation in ſaying, that a general maſſacre would have been the conſequence of my refuſal to pardon officers and men without diſtinction.

The events of to-day have confirmed me in this opinion, for a Note from Captain Andrews this morning obliged me to ſend into the Fort Lieutenant Scott and Wilſon, to attempt to pacify the men, who were divided among themſelves.

Several hours were ſpent by the officers, and thoſe of the regiment, in attempting to reconcile matters, but in vain; ſome of the men ſaid they would go to Madras, to ſtate their grievances, others, that they would remain, and each party diſputed about what ſhould be done with the colours.

In ſhort, Lieutenant Scott informed me, in communication with the other officers, that there was no remedy for the danger which threatened all, but to iſſue an order in my name, for the regiment to march immediately towards Madras, with its colours and officers. This pleaſed them, and they immediately marched, ſwearing that they would ſtick to their officers, if their officers would ſtick to them; for the ſudden change in the ſentiments of their officers had inſtilled a ſuſpicion into their minds, that they had *deſerted their cauſe*, and it was only by the moſt ſolemn aſſurances that this was eraſed from their minds.

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I beg moſt earneſtly to call the attention of Government to this circumſtance, that although I was certainly in a manner compelled to extend the pardon to the European officers, ſtill my word was paſſed to that effect for the Government, and that, although the men are now again meeting, the officers have pledged themſelves to Government, and dire neceſſity alone compels them to proceed to Madras.

You will from this obſerve, that theſe gentlemen would be placed in the moſt diſtreſſing ſituation, if a force were at preſent ſent againſt the regiment, as the men are only obedient to them in the idea that matters ſtill ſtand in the ſame ſtate as they did previous to the ſurrender of the Garriſon; and I muſt take the liberty of recommending, in the moſt earneſt manner, that conciliatory meaſures may be reſorted to. I grieve to ſay, that the 19th Native Infantry have either followed, or are about to follow the Europeans. The Artillery, under Captain Moorhouſe, are at preſent perfectly ſteady, but I have not yet taken poſſeſſion of the Fort, except merely giving ſome orders regarding the Arſenal, nor ſhall I, until the troops are at ſome diſtance, for the minds of the men are in ſuch a ſtate of diſorder, that the idea of this being a ſtratagem to get the Fort out of their hands, if it once entered their heads, would moſt certainly lead to conſequences of the moſt diſtreſſing nature.

Four P. M. 17th Auguſt.

The confuſion incidental to this eventful period will be, I truſt, a ſufficient apology for the and unconnected ſtyle of this Diſpatch.

I have now to inform you, that the Europeans, after having conſidered in their tents the dreadful effects of their determination to abandon the Fortreſs to its fate, reſolved to return; they have returned, with their officers, and the Garriſon is orderly and quiet, the Sepoys having returned with the Europeans; about 160 men remain with the officers they aſked for, to command them in camp, determined, as they now ſay, to proceed; and I have given them full liberty to leave their colours, if they pleaſe. I confidently expect their return this evening, but, as the regiment is not pleaſed with the ſucceſſion, I ſhall not allow them to join until the agitation of mind under which they at preſent labour, may have in ſome degree ſubſided. The officers have done as much as men could do, for the general intereſt of the country, ſince this diviſion took place. I need not point out to the honourable the Governor, the various unhappy conſequences which muſt have reſulted to the Country, had the meaſure of this morning been carried into effect. They are too obvious to require illuſtration. I have now the moſt ſanguine hopes that real tranquillity is reſtored.

(Signed) J. PATER, Major-General,
Commanding the Northern Diviſion of the Army.

To A. Falconar, Eſq. Chief Secretary to Government.

Sir, Head Quarters, Northern Diviſion of the Army.

In purſuance of the information contained in the Diſpatch which I had the honour of forwarding by expreſs laſt night to your Addreſs, I ſhall now ſtate the circumſtances as they occurred, which induced, or rather compelled me, to exceed the powers veſted in my perſon by the honourable the Governor in Council.

I have already acquainted you with my determination to proceed, on the 16th inſtant, to the Forts, for the purpoſe of tendering the Declaration to the officers of the Garriſon, and a former expreſs contained the Letter which induced me, under all circumſtances, to reſolve upon extending the benefit of the Pledge to every individual. Having ordered a parade of the Garriſon, I proceeded thither in the afternoon (having previouſly ſent orders to Captain Moorhouſe to return and take charge of the Artillery) attending with the diviſion and preſent Staff officers; finding that the men were not ready, I repaired to the quarters of an officer, which overlooks the general parade, and there I was ſhortly afterwards waited on by Major Storey and Captain Andrews with a Letter, wherein I was invited to aſſume the command of the Garriſon, the officers pledging their honour that they would obey all my commands, and ſubmit themſelves entirely to my authority. In expreſſing my ſatisfaction to Major Storey and Captain Andrews, I informed theſe officers that I ſhould, immediately after that period, require their ſignatures to the Declaration of obedience, which was willingly aſſented to.

Meantime, the men came to the parade, and drew up regularly under their officers in open column of companies; a few minutes afterwards, I obſerved from the verandah of the houſe in which I was poſted, a degree of agitation prevailing in the European ranks, and the officers ſpeaking to their companies, while the Adjutant came to requeſt that I would not make my appearance on the parade until the officers ſhould appeaſe the men, who were very much incenſed at the idea of the Pledge, which the majority declared was a ſtratagem to take the officers from them; and many declared that the officers were deſerting their cauſe, and leaving them to their fate; ſome of thoſe who had formed this latter opinion declared that they would ſhoot or bayonet the firſt man who ſigned the Paper, and you muſt be well aware, that the firing of a ſingle muſket at this critical moment, would have been followed by the moſt dreadful ſcene of murder and confuſion: the greater number of the men, on the other hand, ſwore, that they were now on parade, that they had ammunition in their cartouch boxes, and that they were determined to have forgiveneſs of Government extended to their officers immediately. I had various meſſages from the parade, borne by officers in great agitation, and who declared upon their honour, that in the preſent ſtate of the men's minds, they could not anſwer three minutes longer for the conduct of the regiment. On this I directed the parade to be diſmiſſed, informing the officers, for the purpoſe of ſoothing

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ſoothing the minds of the men, that I had no authority to pardon the officers, but that I would recommend the meaſure to the generous conſideration of the Government.

Things, however, had by this time come to ſuch a pitch, that there was no alternative left; the men perfectly ſober, were in tears, ſtriking the ground with their muſkets, and declaring, that if I did not do as they wiſhed, they would immediately enforce. In ſhort, after having ſtood out to the laſt moment, and having conſulted with the Staff officers, who ſurrounded me, on the expediency of pledging my word for the pardon of the officers, to prevent an immediate effuſion of blood (and which would not of courſe have been confined to the Garriſon, but would have deluged the Pettah and adjacent diſtricts) I determined to accede to their propoſal, and I was, directly after the ſignifying this intention, informed, that they would receive me as a friend. The line was then formed, as alſo of the native battalions, and after the general ſalute I ſtated to the Régiment, that I was happy in having it in my power once more to offer the pardon of Government to the non-commiſſioned and privates, and that I would even extend it to all the European officers who would ſign the Pledge. A profound and melancholy ſilence ſucceeded; I then went to the right of the line, and ſpoke to every company; the whole were perfectly ſteady and reſpectful, but very few of them ſpoke to me, and I obſerved that many had been in tears, and all appeared in conſiderable agitation of mind.

Having gone through the ſame ceremony with the Sepoys, I directed the parade to be diſmiſſed, and the officers to attend me, for the purpoſe of ſigning the Declaration.

The Europeans repaired to their barracks in ſullen ſilence: they had been alarmed by the ſudden change in the ſentiments of their officers, and did not ſeem to know what they were about, or what was to be the conſequence of it. On my reading the Declaration on parade to the officers, ſeveral of them begged of me, in the moſt earneſt manner, that I would delay the ſignatures until they could ſoften the men, who were ſtill in a ferment, declaring on their honour, that they would do ſo as ſoon as it could be done without endangering the public tranquillity.

To this propoſition I made no objection, but left the Pledge in their hands, for the purpoſe of reading and explaining its nature to the men in their barracks: I then quitted the Fortreſs, after iſſuing ſome trifling orders, to ſhew that it was actually under my command.

Next morning, yeſterday, the Note (No. 2.) which I have the honour to encloſe herewith, was received by Lieutenant Scott about 8 o'clock. My Diſpatch of yeſterday has informed you of my ſending in that officer with Lieutenant Wilſon to the Fort, with diſcretionary powers to act as circumſtances might require. Lieutenant Wilſon returned about half paſt 10, to inform me that Lieutenant Scott had found the ſtate of affairs to be ſo critical, that he had been obliged to order the immediate march of the regiment, with their Colours and officers, towards Madras. This officer came himſelf from the Fort about 12 o'clock, after having ſeen the regiment march out of it, and gave me the following account.

On his arrival within the Garriſon he immediately proceeded to the European barracks, where he found a number in the new extremity, diſobedient and clamorous, and their officers in vain endeavouring to reduce them to order. On aſking Captain Andrews how many wiſhed to proceed to Madras, adding that they had my full permiſſion to do ſo, provided they marched in an orderly way under their officers, about 100 or 130 of the younger men turned out from the different companies.

This occaſioned a diſcuſſion between the two parties, and the ſeceders gradually reinforced, until, Lieutenant Scott thinks, the regiment was nearly equally divided. The diſturbance gradually increaſed, and the complaints of many individuals were preferred, in the moſt improper and inſubordinate terms. Thoſe men who wiſhed to remain were perfectly obedient to their officers, but declared, that they would never part with their Colours. The oppoſite party ſwore that they would not march without their Colours; and the natural conſequence of ſuch an altercation, at ſuch a time, requires no obſervation.

Communicating with the other officers, Lieutenant Scott at laſt reſolved upon iſſuing an order for the whole regiment to march, and he ſtates, that the good effect of this meaſure was inſtantaneous. The whole regiment fell in by companies, with their arms and knapſacks; heard the order read with ſatisfaction, and, ſwearing that they would obey their officers, and follow their Colours in all circumſtances, marched out of the Garriſon about eleven o'clock, in good order and high ſpirits, the muſic playing "The Britiſh Grenadiers."

Lieutenant Scott then repaired to the different gates, giving directions to the ſenior native commiſſioned officers to take charge (for every European had left his guard) and ſubſequently proceeded to the Sepoys' barracks, where he ordered out a company to attend the regiment on its march, a party to take charge of the European barracks, and native officers to ſome of the Gate Guards. Directly after leaving the Sepoys, he met ſeveral of their European officers, to the ſenior of whom, Captain Harrington, he delivered over, in my name, the command of the Fortreſs, until he ſhould receive further orders on the ſubject from Head-quarters, directing him, however, if he met an officer ſenior to himſelf in the Fort, to deliver it, and inſtructions, to that officer, whoever he might be. Lieutenant Scott then left the Garriſon, and returned to my houſe.

The next thing to be conſidered was, the ſituation of the Artillery Company. The men belonging to it were ſtaunch to Government and their officers, and were determined not to move; their ſituation, therefore, in reſpect to the regiment which had encamped within a mile of the artillery lines, and immediately behind my houſe, became extremely perilous, and I had in contemplation to order them to proceed with the others towards the Preſidency, as I was unwilling to make an appearance of any precautionary meaſure, by ordering the company into the Fort while the regiment was ſo near. While we were deliberating on this Dr. Anneſley came

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came out full speed, to say that the Native Battalion was following the Europeans without their officers to camp; I found that several of the most disorderly Europeans had entered the native barracks previously to the march of the regiment, and had threatened, that if they did not come with them they would return at night, murder their wives and families, and oblige themselves to march. Circumstanced as I was, I found it prudent to sanction this proceeding also, and wrote to the civil authorities for their assistance, in preventing the total abandonment of the Fortress.

Things were in this state, when I was most agreeably surprised by the appearance of 30 grenadiers of the regiment under the orders of Lieutenant Carberry, who brought the welcome intelligence of the regiment having marched back quietly with their officers and one Colour to the Fort, and that the commanding officer had sent this guard to my quarter, as 160 discontented men had remained under five of their officers, chosen by themselves, determined to proceed to Madras, and there might be a probability of disturbance in their lines. To prevent confusion, the regiment had considerately left one Colour with them.

In conversing with Lieutenant Carberry, I found that the Europeans, after their march, finding themselves unprovided with every necessary, and seeing their officers in the same state, began to think seriously of their present determination, and that it would be better for them to remain quietly at their station. The sudden appearance of the Sepoys flocking into their lines, with one of the Colours of their battalion, awakened them still more to a sense of their duty, as the consequences of leaving the Fort entirely defenceless struck them most forcibly.

The genuine feelings and sentiments of legal soldiers immediately took possession of them, and falling in at their respecting companies, and having heard the arguments of their officers to the same effect, they directed those men who were resolved to proceed to come forward, when about 160 determined to go on. The regiment then adopted and carried into execution the happy resolution of returning, and before two o'clock the Fort was again garrisoned, and guarded by the Madras European Regiment. The unceasing exertions of Major Storey, Captain Kelly, and others, had already brought back the Sepoys, and I can now, with the most heartfelt satisfaction, state my opinion, that permanent tranquillity is once more restored to the Garrison of Masulipatam.

The party under Lieutenant David Forbes marched to-day at two o'clock; I have taken every precaution, in conjunction with the civil power, to provide them with every necessary on their route, and to prevent the sale of every spirituous liquor on their march.

The Honourable the Governor will, I am confident, see the distressing situation in which the officers selected by this detachment to command them are placed, and if they do arrive at Madras, will remember that a pardon has been granted to them.

In the event of the whole or any part of this detachment returning to Masulipatam, they will not be allowed to join the regiment for some little time, until the displeasure at the secession, which at present pervades the whole corps, may have subsided. I shall therefore dispatch them on some duty or other in which they may be occupied, until I find it expedient to order them to join.

Conscious as I am, that in the whole of the transactions which I have now laid before you, the line of conduct I have pursued, although in some instances differing from the strict letter of my instructions, has succeeded in effecting what all well-wishers to their country must earnestly pray for, namely, the restoration of order without the loss of a single life; I feel confident that the Government will, on a due consideration of every circumstance, approve, or at least confirm, all that I have done in the very embarrassing situation to which I have been reduced; placed alone, excepting my Staff, to contend with an hostile force, and without a body of troops, however small, to enable me to carry my plans into effect; at all events, I feel happy in the idea that I have done every thing in my power to assist the cause of Government, and that I have succeeded in my endeavour, at the expence of some sacrifices, which I thought at this period were objects, comparatively speaking, of a very secondary consideration.

I have dispatched Major Hatlewood, who was at this station, to Ellore, where his corps is, with directions to tranquillize the minds, and restore the subordination of the men under his command, and I have informed the Division at large of the present state of affairs here, calling upon the respective commanders to strain every nerve in bringing back the men to their allegiance, and obedience to the constituted authorities.

The Letter, No. 1. which accompanies this, is the same which I mentioned my having received from Major Storey and Captain Andrews; it is in some parts objectionable, and I required of them that some expressions should be changed. To this they acceded, but the constant press of business which has devolved on me from that time to the present hour, prevented my sending the Letter for the required alteration, and I do not at this moment think it necessary to delay the transmission of this Dispatch.

The signatures of myself and my Staff officers to the Declaration of obedience, also accompany this Letter, and those of the officers in Garrison, in which the superintending engineer, Captain Cotgrave, is necessarily included, shall be sent as soon as I may find it expedient to require them.

I have, &c. &c. &c.

(Signed) J. PATER, Major-General,
Commanding the Northern Division of the Army.

P. S.—I forgot to mention, that I promised on the general parade, on the evening of the 10th instant, to represent and recommend every just and reasonable complaint of grievance to the honourable the Governor in Council. Twelve Artillery-men have joined Lieutenant Forbes's party. This proves that the Artillery Company were not so unanimous as I had rea-

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ſon to ſuppoſe, when I commenced this Letter, but the remainder of the men are reported by Captain Moorhouſe to be perfectly orderly and ſubordinate.

(Signed) J. PATER, Major-General.

General Pater. No. 1.

Sir,

The time is now arrived, when we find we can no longer oppoſe the meaſures of the preſent Government of Madras, without injury to the intereſt of our country.

You muſt be convinced of the attachment of our men to their officers, and the further power we poſſeſs of exerting ourſelves for the redreſs of our grievances; but to afford to you and the world a convincing proof that perſonal advantage, or perſonal ſafety, and even the intereſts of this Army, are but ſecondary conſiderations with us, when put into competition with the welfare of our country, you are now invited to aſſume the command of this Garriſon, and we pledge to you our honour, that we will obey all your commands, and ſubmit ourſelves entirely to your authority.

We aſk of you no counterpledge upon the part of the Government, as we rely in full confidence upon the ſentiments publiſhed by the Governor General upon the 20th ultimo.

It is true, that we have been driven to the brink of inſurrection againſt the ruling authority, but our loyalty to our King, our attachment to our country, and our regard for our honourable employers, has never been diminiſhed.

We leave it to thoſe high authorities to determine, whether the meaſures we have taken have not been forced upon us, contrary to our real inclinations, and to the hereditary diſpoſition of this Army.

(Signed) J. STOREY, Major.
AUG^{s} ANDREWS, Captain.

Maſulipatam Fort, 16th Auguſt 1809.

No. 2.

My dear Scott,

May I requeſt that you will ſtate to Major-General Pater, that ſeveral men (about 160) fell in with arms and knapſacks, with a fixed determination of proceeding to Madras, ſaying, that their Officers had deſerted them. I went inſtantly to the barracks, and other officers, and did every thing in my power to pacify them, but nothing would do; and to prevent confuſion, may I requeſt that you will mention to General Pater, that I think it adviſable to recommend, that you come into the Fort, and aſcertain the number that wiſh to ſeparate themſelves from their officers, and to order them to proceed to Madras, as otherwiſe great confuſion, and moſt likely bloodſhed, will be the reſult. Some officers ſhould accompany them; bring authority with you to put it in order.

Yours, ſincerely,

Loſe no time. (Signed) AUG^{s} ANDREWS, Captain.

We, the under-ſigned Officers of the honourable Company's Service, do, in the moſt ſolemn manner, declare, upon our words of honour as Britiſh officers, that we will obey the Orders, and ſupport the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions we hold from that Government.

(Signed) J. Pater, Major-General, commanding N. D. Army; John Wilſon, Acting Aſſiſtant Adjutant-General N. D.; Hugh Scott, Acting A. Q. M. G. N. D.; Henry Bowler, Acting A. D. C. to Major-General Pater; Montaga Croſby, Major, Barrack Maſter N. D.; J. Anneſley, Garriſon Surgeon.

To the Chief Secretary to Government: Fort St. George.

Sir,

Para. 1.—It is with the greateſt regret that I have to inform you of the ſeizure of the Treaſury under my charge, at noon this day.

2.—While preparing to go to the Cutcherry, I received the encloſed (copy of) Note from the officers belonging to a detachment of the 1ſt battalion 21ſt Regiment Native Infantry. I proceeded to the Cutcherry, and found the treaſure in the poſſeſſion of a Subadar's guard. The officers who have ſigned the encloſed (copy) acknowledgment ſoon after arrived; I was aſked for the keys of the caſh cheſt, which I declined giving, but which were taken from my eſcrutoire by Captain ———.

3.—Of 6,69,243 Rupees. 0 As. 3 C. they have taken 550,000 Rupees, leaving the remainder, as they ſaid, for the neceſſary expenditure of the Civil Department, and the pay of the Invalid Garriſon of this place. For this ſum they have given me the encloſed (copy of) acknowledgment.

4.—I have apprized Lieutenant-Colonel Aiſkill, but from the very inefficient forces which he has, I do not expect any aſſiſtance.

I have, &c. &c. &c.

Vizagapatam, Collector's Cutcherry, 16th Auguſt 1809. (Signed) C. H. CHURCHILL, Collector.

To ——— Churchill, eſq. Collector.

The officers of the 1ſt battalion 21ſt Regiment, having deemed it neceſſary to take poſſeſſion of the treaſure under your charge, they requeſt the favour of your attention at the Treaſury as ſoon as poſſible, where they now await you.

Vizagapatam, 16th Auguſt 1809.

[No. 2. F.]

Enclosure No. 42. in Gen Letter, Secret Dep. 10th Sept. 1809.

From Mr. J. Long, dated 13th July. Cons. 24th Aug. 1809

We do hereby acknowledge having taken from the Collector's Treasury at Vizagapatam, the sum of (550,000) five hundred and fifty thousand Rupees.

(Signed) 1st Battalion 21st Regiment Native Infantry.—A. Fair, Captain; J. Crege, Lieutenant; W. B. Spry, Lieutenant; Js Nash, Ensign.

Vizagapatam, 16th August 1809.

To the Chief Secretary to Government; Revenue Department.

Sir,

For the information of the honourable the Governor in Council, I am directed to submit the enclosed Letter from the Collector in Rajahmundry, respecting the seizure of his treasure, to the amount of Pagodas 97,867. 9. 36.

I have, &c. &c. &c.

Fort St. George, 23d August 1809. (Signed) W. WAYTE, Secretary.

To the President and Members of the Board of Revenue, Fort St. George.

Gentlemen,

The accompanying copy of a Paper hastily drawn up and delivered to the Officers, will inform you of yesterday's transactions; the Company's cash seized is as follows, viz.

			Star Pags.	F.	C.
Arcot Rupees - - -	2,59,056. 15. 7. at 350	Pr %	74,016	12	46
Madras Pagodas - -	19,889. 36. 0. at 110	Pr %	21,877	41	0
Star Pagodas - - - - - - - - - - - - - -			1,973	0	70
Total Star Pagodas - - -			97,867	9	36

Ninety-seven thousand eight hundred and sixty seven, Fanams nine and Cash thirty-six.

I have not entered into details at present, being informed the Army stop and open all letters, and might possibly not then forward it.

I have, &c. &c. &c.

(Signed) J. LANG, Collector.

Cocanada, 13th August 1809.

To Lieutenant Smith, Lieutenant Newall, and Ensign Pearson, of the 1st Battalion 11th Regiment N. I.

Gentlemen,

You have, this 12th day of August 1809, at the head of two companies of Sepoys, seized and taken from under my charge the Honourable Company's cash chest, against which I do protest, as a most illegal act; but not having force to oppose to force, or the orders of Government to levy troops for the occasion, I am, however, much against my own will, of necessity obliged to submit to the extreme act, against all regular government.

Cocanada, 12th August 1809. (Signed) J. LANG,

(True copy.) Collector Judicial Department.

(Judicial Department.)

To the Secretary to Government in the Judicial Department, Fort St. George.

Sir,

Vide No. 1. and 2. Enclosed I submit, for the information of Government, copy of a letter from Captain Symmons, with enclosure.

Vide No. 3. I also forward copy of a letter I deemed it my duty to transmit to the officer commanding 1st battalion 11th regiment Native Infantry encamped here, and now crossing the Godavery.

I am preparing, in consequence of the departure of all regular force from this district, to assemble a body of armed Sibbendy, to be distributed on the Western borders, to prevent the entrance of plundering banditti from the hills, and to secure the present peace and tranquillity of the Zillah, until I may receive instructions from Government for my future guidance, under the particular occurrence passing in this district.

I have, &c. &c. &c.

Rajahmundry, 18th August 1809. (Signed) P. R. CAZALET, Judge and Magistrate.

No. 1.

To the Judge of the Zillah of Rajahmundry.

Sir,

I beg leave to enclose you the authority on which the guards attached to this Zillah are withdrawn.

(Signed) JOHN SIMONS,

Rajahmundry, 17th August 1809. Capt. Lieut. 1st Batt. 11th Reg.

No. 2.—To Captain Simons, commanding Detachment 1ſt Battalion 11th Regiment. [No. 2. F.]

Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir,

Captain Patterſon directs, that all guards abſent from your detachment may be immediately recalled, and directed to join the corps on the ſouthern bank of the Godavery.

(Signed) W. SMITH.

No. 3.—To Captain Patterſon, or Officer commanding 1ſt Battalion 11th Regiment N. I.

Sir, Camp at Rajahmundry.

You have deemed fit, on the 12th inſtant, to depute three European officers and two companies of Sepoys, from Samulcottah to Cocanada, and by force to ſeize and carry off the treaſury of Government.

You have deputed a guard of Sepoys on the 16th inſtant to ſeize all boats on the river at Rajahmundry.

You have marched here on the 17th inſtant at the head of the corps from Samulcottah, and are proceeding to croſs the Godavery with the treaſure brought from Cocanada.

You have publiſhed, by beat of tom-tom in Rajamundry, that any perſon proceeding or carrying for proclamation, any order or public notification iſſued by the Court, or the officers of Government in authority here, ſhall be ſeized and brought to you, and puniſhed; and you have alſo thought fit to place Sepoys over the Poſt Office, and to direct that the public mails ſhould be conveyed to you; and you have compelled the Cutwall, and Police Officers under him, to act by your direction in furniſhing Coolies, &c. &c. &c.

Agreeably to a public communication from Captain Simons, on command in this Zillah, I find you have further deemed fit to recal the detachment under him, and all troops from the country, leaving the diſtrict totally unprotected, and a prey to every plundering banditti.

To theſe various acts of violence, not having force to oppoſe force, or means to prevent ſuch occurrences, I have unwillingly, and from inability to act otherwiſe, been neceſſitated and obliged to ſubmit. But againſt every and all theſe meaſures, and all future acts of a ſimilar nature, I feel it my duty, from the official ſituation and ſtation in which I am placed, to proteſt, as illegal, and againſt all regular Government; and that the conſequences of ſuch acts, and every calamity reſulting from ſuch meaſures, and all reſponſibility attached to ſuch proceedings, reſts on you, and on thoſe acting with you.

I am, Sir, your obedient ſervant,

Rajahmundry, 18th Auguſt 1809.

(Signed) P. R. CAZALET, Judge and Magiſtrate.

(True Copy)

(Signed) P. R. CAZALET, Judge and Magiſtrate.

To Lieutenant-Colonel Barclay, Military Secretary, &c.

Sir, Head-quarters, Northern Diviſion of the Army.

I beg leave to acquaint you, for the information of the Honourable the Governor in Council, that the officers of the garriſon have this day come forward, expreſſing a wiſh to affix their reſpective ſignatures to the declaration of obedience to the Government, as they ſtate their conviction of order and regularity being completely re-eſtabliſhed.

For reaſons, however, which I truſt will appear ſatisfactory to the Honourable the Governor, I have thought fit to decline it, becauſe I have already received the words of honour of all the officers to obey the orders of Government, agreeably to the tenor of the pledge (which I conſider tantamount to their ſignatures, and which their recent conduct has completely proved; and becauſe the ſerious averſion of the men to the pledge a few days ago gives me reaſon to apprehend that ſome incendiaries may again take this opportunity of attempting to diſtract them at preſent, by repreſenting it as ſome new deſign againſt the officers; and it muſt naturally be concluded, that ſo immediately after the laſt moſt alarming mutiny, there will remain ſome ſparks of diſorder and diſcontent, which it is the intereſt of Government ſhould be allowed to expire, by the adoption of every poſſible meaſure to reſtore confidence.

For my own part, I am as perfectly convinced of the obedience of the officers and men at this moment, as if the pledge had actually received their ſignatures; under theſe conſiderations I take the liberty again of recommending, that the meaſure may not be at preſent enforced.

After the ſurrender of the garriſon by the officers, it has been reported to me, that a paper was ſigned by 250 Europeans, binding themſelves to ſtand by each other in oppoſition to the officers. No comment on this circumſtance can be required, in my opinion, to convince the Honourable the Governor of the extreme danger which has lately threatened this quarter of the Peninſula, and to prove the abſolute neceſſity of the meaſures which I adopted at the time. Another circumſtance, which tends to throw additional light on the ferment which exiſted on the forenoon of the 18th inſtant, I think it neceſſary to mention for the information of Government.

While Lieutenants Scott and Wilſon were aſſiſting the officers of the regiment, in attempting to reſtore order by every argument which they could think of, an officer of the grenadier company was required, by his own men, to pledge his word of honour that theſe gentlemen were not *king*'s officers; and they have ſince, I underſtand, ſatisfied themſelves of this circumſtance, by an application to the army liſt.

I have ſome reaſons to apprehend that a movement of troops in the northern part of the

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Diviſion has actually taken place, but the expreſs which has been ſent off to the northward will, I am confident, replace every man at this ſtation.

The abandonment of the fort by the 19th Native Infantry has ſince been ſtated to me in a more favourable light; the appearance of the company ordered out by Lieutenant Scott to attend the regiment on its march to Madras induced many of the other Sepoys to think that the whole corps was under a ſimilar order. Beſides the report, which one of my former diſpatches informed the Honourable the Governor had been circulated by ſome of the Europeans in the Sepoy barracks, I find in addition, that the Sepoys were led to expect the arrival of an hoſtile force by ſea; that the Europeans were therefore making good their own retreat, and leaving the Native Battalion to its fate.

I have further to obſerve, that had not the great exertions of the officers ſucceeded in bringing back the regiment to the fort, it was the intention of one party to have returned in the courſe of the night, and to have ſeized the treaſury, which had been left defenceleſs.

Captain Moorhouſe, who is no way implicated in the late tranſactions, has requeſted of me to be permitted to ſign the pledge. But, as no doubt can be entertained of that officer's attachment to the Government, the ſame reaſons for declining it operated with me in this inſtance as in that which I have already had the honour of ſtating.

I have, &c.

Maſulipatam, 20th Auguſt 1809.

(Signed) J. PATER, Major-General commanding the Northern Diviſion of the Army.

Tranſlation of a Letter from Maſulipatam, forwarded by Mr. Lord.

19th Auguſt 1809.

Five days ago a Gun-Laſcar, an Infantry Sepoy, and an Artillery ſoldier fought; the Laſcar and Artillery ſoldier complained to Major Story, that the Sepoy beat them, and therefore he ſhould inquire into it: Major Story deſired them to keep the Sepoy in their guard for that day, and that he would inquire about it the next day. As they were bringing the Sepoy the ſoldier beat him, in preſence of Major Story; Major Story aſked the ſoldier, why he beat the Sepoy, when he (Major Story) ordered the Sepoy being put in his guard, promiſed to enquire about it the next day? the ſoldier anſwered, that he did what he thought proper; Major Story then got angry, and wanted to flog the Artillery ſoldier with a whip; the Artillery ſoldier eſcaped, and gathering 200 Artillery ſoldiers, with their ſerjeants, went to Major Story's houſe with their guns loaded, threatening to kill him. Major Story, who lives in Mr. Slatham's gardens, went to the Fort on a horſe unſaddled, and got 200 Sepoys and 100 Europeans, and placed them round his houſe. In the mean time General Pater, Mr. Webb, Mr. Townſend, and other gentlemen, ſatisfied the Artillery ſoldiers. The Artillery ſoldiers were with their guns till 12 o'clock in the night, and then returned to their houſes.

Before this the diſaffected officers aſked Moorhouſe, aſſiſtant to Gibſon, for the keys of the ſtore-houſe; he anſwered, that he would not give them without the orders of the Company; they then intended to confine Moorhouſe; in the mean time he eſcaped, and went to Gollapallum. After Moorhouſe eſcaped, they took the keys from Abbee Moodeliar by force, and took out as much ammunition as they wanted, and gave the keys again to Abbee Modeliar. The arrack Godown was alſo opened in this manner, and they took as much arrack as they wanted; they bought the quantity of rice they required, as there was no rice in the Company's Godown: they aſked the paymaſter for gunny-bags, and as he did not give it them they broke open the locks of the Garriſon ſtore, and took 1,000 gunny bags; this happened before the difference between the Major and the Artillery ſoldiers took place.

They have pitched their tents at Edapilly behind Mr. Dablin's houſe, where they remain with ammunition, &c. Afterwards the diſaffected officers conſulted among themſelves, that it is not proper to act againſt Government in truſting theſe forces; that they (the ſoldiers) themſelves wanted to kill the officers, and therefore went to the General, and ſaid that they, the officers, would be under his command as before, and took him to the Fort. The forces were then paraded, and the General then declared that he pardoned them, and they muſt hereafter obey the Company: that day all was quiet. The next day the ſoldiers went to the officers, and told them, that they took up arms againſt the Company by their deſire; and aſked them what they meant by ſaying that they pardoned the ſoldiers. Six companies of theſe ſoldiers went, with drums beating, to the tents at Edapilly, intending to go to Madras; the officers deſired the ſoldiers to return, which they not doing, the officers alſo joined them. The inhabitants of the place, fearing that they would be * founded, went to the villages Deby, Davard, Cottah, and Cullapully. Part of the ſoldiers who went to the Edapilly were brought back to the Fort. One hundred and ſixty ſoldiers, Forbes, and two or three officers, left the place on the 7th, on their way to Madras. The Sepoys alſo wanted to go to Madras, when Major Story met them at Malakapatam, and requeſted the Sepoys to return; the Sepoys ſaid that they would not be under his orders, nor come to the Fort. The Major then deſired † that they muſt kill, and then go; and after begging them, brought them into the Fort. Three parts of the inhabitants have left the country.

* *Quere.*

† *Quere.*

Three officers and 200 Sepoys from Samulcottah went to Cocanada, and took 1,22,000 S. Pagodas by force from Mr. Long, and went back to Samulcottah.

It is here reported that the battalions at Hydrabad are on their march. The party of ſoldiers who are on their march to Madras are not diſaffected to the Company. It is reported that the troops at Ellore, Samulcottah, and Hyderabad, will come to Maſulipatam.

They have not plundered the country, but the Sepoys are ſaying that they will do ſo.

Head Quarters, Northern Diviſion.

To the Chief Secretary to the Government.

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir,

I have the honour to encloſe a letter, No. 1, received this day from Lieutenant Colonel Simons at Samulcottah, and to inform you, that as the circumſtance Lieutenant Colonel Simons ſtates happened prior to the ſurrender of this garriſon, I have no doubt that the intelligence of that event, which was ſent by expreſs to Samulcottah, added to my poſitive orders to Captain Patterſon to return, replace the guards, and reſtore the treaſure, will have the deſired effect.

I have alſo had private information, that the battalion at Chiccacole had intended to march ſouthward on the 15th, but as the information from Maſulipatam, regarding its preſent ſtate, has been circulated by expreſs through the whole Diviſion, I am under no apprehenſion as to the conſequence of the preſent ſtep, which will, I am confident, be inſtantly rectified; and the Northern Diviſion will, I truſt, be in the courſe of a very few days completely under the authority and control of Government.

This morning I viſited the Fort, and walking through the European and Native Barracks, found every thing as quiet and orderly as I could wiſh. The Sepoy recruit who went off with one of the colours, when the European regiment left the Fort, I ordered, in preſence of the Sepoys in the barracks, to be turned out of the battalion and fort, as this occurrence had induced many men to follow who had otherwiſe no intention of doing ſo, and the puniſhment of the individual ſeemed to give general ſatisfaction to the battalion.

The ſignature to the pledge of Lieutenant Marſhall of the 24th Native Infantry, who is preſent here on ſick certificate, accompanies this diſpatch.

I have the honour to be, Sir,
Your moſt obedient ſervant,
(Signed) J. PATER, Major-General,
Commanding the Nn Dn of the Army.

Maſulipatam,
21ſt Auguſt 1809.

Since writing the above, I have received an official account (No. 2.) of the ſtate of affairs at Ellore, from Major Hazlewood, with a ſtatement (No. 3.) of the circumſtance attending the arreſt of Colonel Fletcher on the 5th inſtant, both of which I have the honour to encloſe herewith.

I have taken upon myſelf to delay the removal of the colours and ſtaff of the 1ſt battalion 24th regiment Native Infantry from Ellore to Madras, and have ſtated my reaſon for ſo doing; in my reply of this date to the letter from the Quartermaſter-General's office, which communicated the orders to that effect.

(Signed) J. PATER, Major-General.

To Major-General Pater, commanding Northern Diviſion of the Army.

Sir,

It is with great pain I have to inform you of circumſtances that have recently taken place here; the battalion moved out, and encamped on the Drill Ground on the 12th, and yeſterday marched thence, after getting poſſeſſion of the Collector's caſh-cheſt at Caconada.

I all along endeavoured to point out the impolicy of ſuch a meaſure. I can only ſay how ſincerely I regret they have differed with me.

Had I in any way oppoſed them, it would only have added fuel to the flame; and I ſurmiſed the treatment I ſhould have received; ſo gave up all command to the next ſenior officer Captain Patterſon.

I only hope they will not for the preſent withdraw all the guards that are detached about Rajahmundry, as they have done from Coringee and Nellapillay; in that caſe the country may remain in ſome ſtate of tranquillity;

And remain with reſpect,
Your very obedient humble ſervant,
(Signed) J. SIMONS, Lieutenant-Colonel.

Samulcottah,
Auguſt 17, 1809.

To the officer commanding Northern Diviſion.

Sir,

Ellore, 20th Augſt 1809.

I have the honour to inform you of my having aſſumed charge of the Garriſon, and of the 1ſt battalion 24th Native Infantry.

The Order contained in your circular Letter of the 15th inſtant, and its accompaniments, have been carried into execution.

The Pledge was offered to and ſigned by all the officers preſent, and has been ſent to thoſe upon detachment; as ſoon as it is returned to me it ſhall be forwarded to you.

After ſending over upon the Battalion Parade the Government Orders of the 9th inſtant, the battalion was diſmiſſed, and I directed the native officers to attend at my quarters in two hours after, to report to me the effect theſe Orders had upon them and their reſpective companies.

They have juſt aſſembled, and have ſtated to me that they were not aware of any fault they had committed; that it was not poſſible for them to decide who the commanding officer was, but according to the uſage of the ſervice, they obeyed thoſe Orders delivered to them by the European Adjutant; and that they and the men would be happy to ſacrifice their lives to prove their attachment to the Government under which they have been bred.

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have the honour to enclose a statement of the circumstances attending Colonel Fletcher's arrest, which although only the evidence of one side, yet from the result of my inquiries I have every reason to believe it to be correct.

The natives of the battalion have some complaints to make regarding some reproaches cast upon the battalion by Colonel Fletcher, in allusion to the unfortunate catastrophe at Vellore, but which I told them I could not hear, as he was senior in the battalion to myself.

From the whole of my observation upon the state of the battalion, I am convinced of its entire fidelity to the Government; and that it is fit to be employed upon any service Government may be pleased to order it.

(Signed) J. HASLEWOOD, Major in charge.

P. S. In justice to Colonel Fletcher, I ought to state, that the alleged reproaches appear to have been made in the heat of passion, immediately subsequent to his arrest, and upon seeing himself deserted by the natives under his lawful command.

It having come to the knowledge of the European officers of the battalions, that it was Colonel Fletcher's intention to assemble the officers at his house in the morning of the 5th instant, for the purpose of seizing and sending them prisoners to Masulipatam, if they should not agree to what he had to propose; and that a company of Sepoys had been ordered to be in readiness at the Barracks, and to march quickly to his house at the slightest notice to execute his design; likewise having learnt that Orders had been issued to the late Havildars of Companies, desiring them to make it known to the men of their respective companies, that the European officers were not to be obeyed, if they came upon the Parade to order their companies to fall in, but to be * away from the front of the battalion; no alternative remained than submitting to such indignant treatment, for which Colonel Fletcher had no authority, and resorting to the extreme measure of placing him under personal restraint, which was done in the most regular manner possible, consistent with perfonal safety to the European officers.

* *Quere.*

Upon the morning of the 5th instant, and during the day, he was treated with every respect possible under those circumstances; and about five o'clock of the evening he expressed his wish to go away to Madras, which was immediately complied with; he proceeded on the following morning without any further communication.

Ellore, 20th August 1809. (Signed) J. HASLEWOOD, Major in charge.

We, the undersigned officers of the honourable Company's Service, do in the most solemn manner, declare upon our words of honour, as British officers, that we will obey the Orders and support the authority of the honourable the Governor of Fort St. George, agreeably to the tenor of the Commission we hold from the Government.

(Signed) SAM. MARSHALL, Lieutenant 1st battalion 24th regiment N. I.

To the Chief Secretary to Government, Fort St. George.

Sir,

For the information of Government, I have the honour to send a copy of a Letter from the officer commanding 1st battalion 11th regiment Native Infantry, received last night. The Treasure has this morning arrived North of the River.

It shall be my endeavour, in communication with the Collector, to restore peace and tranquillity throughout the district as early as possible, the inhabitants of which have been greatly alarmed at the late occurrence.

A report of hereafter proceedings shall be submitted for the information of the Governor in Council.

I have the honour to be, Sir, Your most obedient servant,

Rajahmundy, 21st July 1809. (Signed) P. R. CAZALET, Magistrate.

Head Quarters, Northern Division.

To A. Falconar, Esq. Chief Secretary to Government.

Sir,

I have the honour to acquaint you, every thing at this station continues in a state of the profoundest tranquillity and good order, nor do I see any thing at this moment likely to disturb it.

I omitted to mention in my former Dispatches that the tents, stores, &c. which I understand had been taken out of the Fort by the Garrison, have all been returned to their respective places of deposit, without any injury or expence to the honourable Company.

A Declaration of obedience, signed by Lieutenant-Colonel Innes, accompanies this Dispatch.

I have the honour to be, Sir, Your most obedient humble servant,

Masulipatam, August 22, 1809. (Signed) J. PATER, Major-General.

Head-quarters, Northern Division.

To A. Falconar, Esq. chief Secretary to Government.

Sir,

I have the honour to acquaint you, that I have this day received a letter by express from Captain Patterson of the 11th Regiment, dated at Rajahmundry the 20th instant (5 P. M.) stating

[No. 2. F.]

Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

ſtating that the corps will immediately return to Samulcottah, reſtore the treaſure, and replace every thing as it was before the march of the battalion. In pledging themſelves to obey the orders of Government they ſtate their hopes that they may be included in the amneſty granted to Maſulipatam.

I had ſent the declaration of obedience to the commanding officer ſome time prior to the march of the corps, and I conclude that it has ere this been ſigned by every officer of the battalion.

Complete order and regularity continue to reign at this ſtation.

I have, &c.

Maſulipatam, 23d Auguſt 1809.

(Signed) J. PATER, Commanding the N^a D^n of the Army.

To Captain Patterſon, Officer commanding 1ſt Battalion 11th Regiment N. I.

Sir, Camp at Rajahmundry.

You have thought fit, on the 12th inſtant, to depute three European officers, and two companies of Sepoys, from Samulcottah to Cocanada, and by force to ſeize and carry off the treaſure of Government.

You have deputed a guard of Sepoys, on the 16th inſtant, to ſeize all boats on the river at Rajahmundry.

You have marched here on the 17th inſtant at the head of the corps from Samulcottah, and are proceeding to croſs the Godavery with the treaſure brought from Cocanada.

You have publiſhed, by beat of Tom-tom in Rajahmundry, that any perſon proclaiming or carrying for proclamation any order or public notification iſſued by the Court, or the officers of Government in authority here ſhall be ſeized, and brought to you and puniſhed; and you have alſo thought fit to place Sepoys over the Poſt Office, and to direct that the public mails ſhould be conveyed to you; and you have compelled the Cutwall and police officers under him to act by your direction in furniſhing Coolies, &c. &c. &c.

Agreeably to a public communication from Captain Simons, who commands in this Zillah, I find you have further deemed fit to recal the detachment under him, and all troops from the country, leaving the diſtrict totally unprotected, and a prey to every plundering banditti.

To theſe various acts of violence, not having force to oppoſe force, or means to prevent ſuch occurrences, I have unwillingly, and from inability to act otherwiſe, been neceſſitated and obliged to ſubmit. But againſt every and all theſe meaſures, and all future acts of a ſimilar nature, I feel it my duty, from the official ſituation and ſtation in which I am placed, to proteſt, as illegal, and againſt all regular government, and that the conſequence of ſuch acts, every calamitous event reſulting from ſuch meaſures, and all reſponſibility attached to ſuch proceedings, reſt on you and on thoſe acting with you.

I am, Sir, your obedient ſervant,

Rajahmundry, 18th Auguſt 1809.

(Signed) P. R. CAZALET, Judge and Magiſtrate.

To the Adjutant-General of the Army, &c. &c. &c.

Sir, Ellore, Auguſt 23d 1809.

I beg leave to acquaint you, for the information of his Excellency the Commander in Chief, that in conſequence of my having (at the time the troops in this ſtation were juſt about to take the field) publicly declared my duty and allegiance to Government, and exhorted the men to adhere with fidelity to their Government alſo, I was firſt ſent for by Captain Andrews, commanding the Madras European Regiment, and in preſence of every officer he gave me the moſt opprobrious language, and taking my ſword, put me in cloſe arreſt. I was afterwards ſent for by Major Storey, who informed me, that if I was not off to Ellore in twelve hours, he would ſend me off there by force.

As, however, I have uniformly placed myſelf under, and abided by, the inſtructions of General Pater, I proceeded with his ſanction to Ellore; and thus, from the ſteps which I have taken, I hope his Excellency will exonerate me from the rebellion in which my brother officers are involved and implicated. As I underſtand that my brother officers are about to frame the moſt ungrounded and vexatious charges againſt me, I beg leave to aſſure his Excellency, that the proceedings of Major Storey, and the officers here, appearing to me to be ſo illegal and unjuſtifiable, that nothing but the moſt conſcientious and loyal motives have led me to be thus rendered ſo obnoxious to the officers, and to be at length ſent into a diſtant ſolitude.

The moſt plauſible, but unwarrantable, pretexts have been put into the minds of the ſoldiers, to obtain their ſupport and adherence to what is called the general cauſe of the army. I have done my utmoſt to do away theſe prejudices and miſrepreſentations the men had got hold of, and the critical ſufferings the proſecution of ſo great a majority, and the men biaſſed by the arguments which I urged in cautioning them not to involve themſelves in ſuch ſedition and guilt, many were influenced by my example, and began to ſuſpect, complain, and remonſtrate with thoſe officers. In conſequence of which, I have been further threatened with certain meaſures of the ſevereſt nature. *Quere.*

I beg leave to ſubmit to his Excellency my caſe, and my earneſt ſolicitude for a removal; and that I ſhould long ago, from the firſt day in which I was forced out of the main guard, (when Colonel Innes was put in cloſe arreſt) have forwarded to the Adjutant-General's office authentic accounts of the tranſactions of this place, had not Major Storey been in the habits of ſeizing the Tappauls, and all letters to and from.

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

As I have observed in the newspapers a list of those officers who have signed the declaration submitted by Government, I beg leave to request the permission of his Excellency the Commander in Chief that my name may be also added to any such fresh list of signatures which may be published.

(Signed) JESAIAH CECIL,
Lieutenant M. E. Regiment.

Head Quarters, Northern Division.

Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

Herewith I have the honour to enclose copy (No. 1.) of a letter received to day from Lieutenant Colonel Aiskell, commanding at Vizagapatam, with copy (No. 2.) of another letter received from Major Hazlewood in charge of the battalion stationed at Ellore, accompanied by the signatures of the officers at that station, to the declaration of obedience.

The measure specified in Lieutenant Colonel Aiskell's Letter has met with my approval, although long ere this I suppose that the return of the troops to their duty has rendered its continuance unnecessary.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) J. PATER, Major-General,
commanding the Northern Division of the Army.

Masulipatam,
25th August 1809.

To the Officer commanding the Northern Division of the Army.

Sir,

I do myself the honour of communicating to you, that in consequence of the departure of the whole of the effective Sepoys, the Zemindar of Vizanagrum country made an offer to supply a party under the present exigency to me, which having communicated to the magistrate, we concurred in opinion to admit them, and they arrived this morning, viz. one subidar, and one hundred men, including different ranks.

Vizagapatam,
20th August 1809.

(Signed) F. AISKELL, Lieutenant-Colonel
commanding Garrison Vizagapatam.

To Major-General Pater commanding Northern Division.

Sir,

I have the honour to send enclosed the declaration required by Government, to which the signature of all the officers present, and detached in the district, belonging to the 1st battalion 24th have been affixed. I have also to add, that the battalion is in the most perfect state of order and regularity.

23d August 1809. (Signed) J. HASLEWOOD, Major in charge.

We, the undersigned officers of the Honourable Company's service do, in the most solemn manner, declare upon our words of honour as British officers, that we will obey the Governor of Fort St. George, agreeably to the tenor of the Commissions we hold from that Government.

(Signed) J. Haslewood, Major; R. M'Dowall, Captain; J. Nixon, Lieutenant and Adjutant; W. Stone, Lieutenant; J. M'Intosh, D°; G. M. Stuart, D°; G. Ogilvie, D°; R. Jenkins, D°; E. Burges, D°; J. James, Ensign; G. Gill, D°; H. Harries, D°; L. W. Watson, D°; R. Taylor, D°: J. Macleod Assistant Surgeon; J. Sadler, Captain.

Head-Quarters, Northern Division.

A. Falconar, Esq. Chief Secretary to Government.

Sir,

I have the honour to enclose copy of a Letter received to day from Lieutenant Colonel Simons, commanding at Samulcottah, with a list of signatures to the pledge of obedience from the officer at Vizagapatam.

I have the honour to be, Sir,
Your very obedient Servant,
(Signed) J. PATER, Major-General
Commanding the Northern Division of the Army.

Masulipatam,
27th August 1809.

To Major-General Pater, commanding Northern Division Army, Masulipatam.

Sir,

In my letter of the 17th instant I informed you of the 1st battalion having marched off, it now gives me great satisfaction to inform you of their having returned to their duty. Four companies arrived here this morning, with the whole of the treasure, and to-morrow it will be returned to the Collector, and the two companies will resume their stations at Coringa and Nellapelly; the remainder of the battalion will, I hope, be here on the 25th instant.

What led to this happy change was their having received information of the troops at Hydrabad and Masulipatam having returned to their duty, on a promise of pardon; and as their measures were chiefly directed by those two stations, they were entirely led away by them; and in the hopes of meeting with the same indulgence, they were induced to return

to

to their duty, and, I truſt, Sir, by their future good conduct, to merit the confidence of Government. [No. 2. F.]

The papers and pledge were ſent off to the battalion, and have miſſed it; but I have no doubt but the whole will ſign it on its return, and am,

With reſpect, your very obedient humble ſervant,

Samulcottah, Auguſt 23d 1809.

(Signed) J. SIMONS, Lieutenant-Colonel commanding 1ſt battalion 11th Regiment N. I. and Maſulipatam Diſtrict.

Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

We, the underſigned officers of the honourable Company's ſervice do, in the moſt ſolemn manner, declare upon our word of honour as Britiſh officers, that we will obey the orders, and ſupport the authority, of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commiſſion which we hold from that Government.

(Signed) F. Aiſkell Lieutenant-Colonel, Invalids, commanding Garriſon Vizagapatam; C. F. Cooper, Captain Invalids, P^rs Garriſon Company; M. Dunn, Deputy Commiſſary of Stores; C. Wadell, Lieutenant 21ſt Regiment; John Doveton Captain, 7th Regiment Cavalry Paymaſter.

Head-Quarters, Northern Diviſion of the Army.

To A. Falconar, Eſq. Chief Secretary to Government.

Sir,

I have the honour to encloſe copy of a letter received this day from Samulcottah, and to acquaint you, that I have informed Captain Patterſon that I conſider the ſignature of the pledge of obedience as entitling himſelf and the officers to benefit by the amneſty which has been already granted to Maſulipatam, and that upon receipt of the ſignatures, I ſhould take upon me to recommend the meaſure to Government.

This will, I truſt, be conſidered and approved by the honourable the Governor in Council.

I have the honour to be, Sir,

Your moſt obedient ſervant,

Maſulipatam, 28th Auguſt 1809.

(Signed) J. PATER, Major-General, commanding the Northern Diviſion of the Army.

To Major-General Pater, commanding the Northern Diviſion of the Army.

Sir,

I have the honour to report the return of the 1ſt battalion 11th regiment Native Infantry at Samulcottah this day; the treaſure is already replaced at Cocanada, as are alſo all the guards that were withdrawn.

On the receipt of the expreſs from the Garriſon of Maſulipatam, the 20th of the preſent month, I then immediately did myſelf the honour of addreſſing you, and making you acquainted with the determination of the corps to return the treaſure, and henceforth faithfully to fulfil their duties; hope this Letter has ſafely reached you; and we truſt, Sir, the amneſty that has been granted to the officers of the Garriſon of Maſulipatam may likewiſe be extended to thoſe of this corps.

(Signed) W. PATTERSON, Captain 1ſt battalion 11th regiment Native Infantry.

Samulcottah, 25th Auguſt 1809.

(True Copy.)

(Signed) HUGH SCOTT, Acting Aſſiſtant Quarter-Maſter-General Northern Diviſion.

To Major-General Pater commanding the Northern Diviſion of the Army.

Sir,

I am directed by the honourable the Governor in Council to acknowledge the receipt of your Letters of the 17th and 18th inſtant.

I am further directed to acquaint you, that the Governor in Council cannot confirm the pardons which you have ſtated in thoſe Letters that you had thought proper to grant to the troops in the Garriſon of Maſulipatam, and in ſubſequent Letters to the 1ſt battalion 11th regiment, and 1ſt battalion 24th regiment, and that he diſavows them as unauthorized acts.

The Governor in Council is pleaſed to direct, that you will immediately give orders for the march of the Madras European Regiment, and one battalion of the 19th regiment Native Infantry, with the equipments neceſſary for corps changing quarters.

Previous to the march of thoſe corps you will call upon the Magiſtrate in Maſulipatam for ſuch a number of police Peons, as you may conſider to be neceſſary, in conjunction with the companies of Artillery, for guarding the gates of the Fort, and protecting the public ſtores in the place.

The Magiſtrate has inſtructions to comply with your requiſition on this ſubject.

I have the honour to be, Sir,

Your moſt obedient ſervant,

Fort St. George, 3d September 1809.

(Signed) A. FALCONAR, Chief Secretary to Government.

Sir, Fort St. George, 3d September 1809.

I am directed by the honourable the Governor in Council to inform you, that he has thought proper to order the Madras European Regiment, and the 1ſt battalion 19th regi-

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

ment Native Infantry to march from Masulipatam to the Presidency, and to send instructions to Major-General Pater to apply to you for police Peons to assist the company of Artillery which will remain in Masulipatam to guard the gates, and to protect the public stores in the place.

You are accordingly authorized to entertain and add to your establishment, such a number of Peons, in addition to those already kept up, as Major-General Pater may apply for, and you are directed to furnish them for the purpose above stated, upon his requisition.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) A. FALCONAR,
Chief Secretary to Government.

The Magistrate at Masulipatam.

Head Quarters, Northern Division.

To A. Falconar, Esq. Chief Secretary to Government.

Sir,

Herewith I have the honour to enclose, for the information of the honourable the Governor in Council, copy of a Letter from the officers of the 1st battalion 21st regiment, accompanied by their respective signatures to the Declaration of obedience to Government.

To these gentlemen I have returned an answer similar to that which I gave to the Letter of the 11th regiment at Samulcottah, a copy of which I had yesterday the honour of forwarding to your address.

The signatures of the officers of the 4th regiment at Berhampore are necessarily delayed by the distance between that station and this, but no doubt can be entertained as to their eventual transmission; and thus, Sir, the honourable the Governor will perceive that the Northern Division is at this moment completely under his authority, and ready to march at a moment's warning, if required, against the enemies of their country.

Although the officers of this Division have been misled by a wrong conception of particular circumstances, and which, on cool reflection, they must all acknowledge, still the readiness with which they have returned to their respective posts, and to a sense of their duty, when they found that the rashness of their proceedings threatened the interests of the state, and the pleasing reflection that order has been restored without detriment to the honourable Company, or the loss of a single life, induce me to hope that the Government will again place their confidence in the officers and men of the Northern Division, which, I may venture to pledge my word, they will not have reason to repent; and I do most earnestly repeat the expression of my hopes, that the amnesty which I promised to the Garrison of Masulipatam may be extended to the whole Division, as I feel convinced that such a measure will be the best possible means that can be resorted to, of restoring that complete order, harmony, and confidence which existed previous to the commencement of the late most unfortunate transactions.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER, Major-General,
Commanding the Northern Division of the Army.

Masulipatam,
29th August 1809.

To Major-General Pater commanding the Northern Division, Masulipatam.

Sir,

Fully informed, as we conceive you to be, on the subject which has of late agitated the minds of the officers of the Coast Army, it will at the present moment suffice to account for the movement of the 1st battalion 21st regiment, (without the previous order of Government,) to state, that in consequence of the united request of the several Committees of Hydrabad, Masulipatam, Jaulna, &c. the officers of this corps found themselves under the imperious and affecting necessity of marching from Chicacole towards Samulcottah on the morning of the 15th instant, having previous to our departure dispatched by express, a most earnest request that the 2d battalion 4th regiment stationed at Berhampore would without delay detach to Chicacole such force as might suffice for the security of the British interest in that district.

Most solemnly do we assure you that our intentions never exceeded a wish and confident hope to obtain redress of those many innovations on our custom and service which we generally feel to have been made to our prejudice by Sir George Barlow. Loyalty to our King, and devotion to our Country, have been, and, we trust, will continue to be our most honourable characteristic as British soldiers.

Influenced by these motives, we feel convinced, by the receipt of a detail of the late occurrences and present situations of many parts of the Coast Army, more especially of the Hydrabad Subsidiary Force, that a continuation of the slightest disregard to the orders of the Governor of Madras will eventually involve in utter ruin, the interests of our honourable Employers; and further, the total loss to Great Britain of her Indian possessions on this Coast. As British subjects, most truly anxious for the prosperity of our parent state, we unanimously have agreed on the urgent necessity of our immediate return to the station allotted us, which resolution will be carried into effect by our moving towards Chicacole to-morrow morning; nor do we under existing circumstances feel authorized to withhold our signatures from the pledge of obedience, which we are informed has been tendered by Government to other parts of this Army; but shall consider ourselves bound in honour to abide by it, and the tenor of our Commissions,

The

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

The Proclamation of Government, under date the 9th Auguſt 1809, only came to hand this day; we conſider it as a very ſtrong additional motive for our ſpeedy return to Chicacole; ſhould we not, the moſt dreadful conſequences againſt the ſecurity of our power in this quarter of the globe muſt be apprehended; the idea of being conſidered in a ſtate of rebellion againſt our *King and Country* is ſo abhorrent to our minds as of itſelf to induce the ſteps we are now taking, and which we moſt confidently hope will gain credit for our preſent aſſertions.

The public treaſure we were neceſſitated to take poſſeſſion of; it will be faithfully replaced with the proper officers at Vizagapatam and Chicacole.

Thus, Sir, have we given you a correct detail of the part we took in the late unhappy occurrences; the dire neceſſity for ſo doing we ſhall ever lament, and moſt fervently do we pray, that by an act of general *amneſty* for the paſt, the officers of the Coaſt Army may again hope to poſſeſs the confidence of the Native Troops, which can alone ſecure our Indian territories.

To you, Major-General Pater, as our immediate commander, do we look up for a favourable interference in our behalf; and moſt earneſtly entreat you, in communicating our ſtatement to the Madras Government, to uſe every perſuaſive argument in order to our being made partakers of the *general pardon*, which we learn you have, as far as in you lies, promiſed to the Madras European Regiment.

(Signed) Geo. Wahal, A. Fair, C. H. Powell, D. Mackay, Captains; J. Lea, J. Wight, F. Cregore, W. B. Spry, J° S. Chanvel, Hans Torker, J^b Webſter, Lieutenants; J^s Naſh, H. Robinſon, Charles Edyn, Alex^r M^cDowall, Enſigns; J. Norris, Aſſiſtant Surgeon.

Camp, near Wantemamooty, 24th Auguſt 1809.

(A true Copy.)

(Signed) HUGH SCOTT, Act^g Aſſiſt. Quarter-Maſter-General, Northern Diviſion.

We, the underſigned officers of the honourable Company's Service do, in the moſt ſolemn manner, declare upon our words of honour, as Britiſh officers, that we will obey the orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the commiſſions which we hold from that Government.

(Signed) 1ſt bat. 21ſt Regt.—Geo. Wahal, A. Fair, C. H. Powell, D. Mackay, Captains; J. Lea, J. Wight, J. Cregore, W. B. Spry, J. S. Chanvell, Hans Torker, J. Webſter, Lieutenants; J. Naſh, H. Robinſon, Cha^s Edyn, Alex^r M^cDowall, Enſigns; J. Norris, Aſſiſtant Surgeon.

Head-Quarters, Northern Diviſion of the Army.

To A. Falconar, Eſq. Chief Secretary to Government.

Sir,

Herewith I have the honour to encloſe the ſignatures to the declaration of obedience of the officers at Berampoor and Ganjam, with thoſe of two officers now at although not belonging to the former ſtation. The ſignature of the Deputy Judge Advocate of the diviſion alſo accompanies this; the whole of the officers in queſtion ſigned the Pledge as ſoon as it was tendered to them; Enſign John Grant of the 2d battalion 4th regiment, now at Vizagapatam, has alſo requeſted that Lieutenant-Colonel Aiſkell will cauſe his name to be affixed to the declaration.

I have the honour to be, Sir,
Your very obedient ſervant,

Maſulipatam, 31ſt Auguſt 1809.

(Signed) J. PATER, Major-General, Commanding the Northern Diviſion of the Army.

We, the underſigned officers of the Honourable Company's ſervice, do, in the moſt ſolemn manner, declare upon our words of honour, as Britiſh officers, that we will obey the orders and ſupport the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) 4th Regiment, N. I.—W. Berkely, Lieutenant-Colonel; G. A. Mecat, Major; Hal. Jolly, B. Baker, Captains; J. Jobſon, H. G. Hall, Thomas Walker, T. T. Webb, Lieutenants; W^m Scott, Enſign.
8th Regiment, N. I.—J. Dalrymple, Lieutenant.
2d battalion, 9th Regiment.—J. Bell, Lieutenant.

We, the underſigned officers of the Honourable Company's ſervice, do, in the moſt ſolemn manner, declare upon our words of honour, as Britiſh Officers, that we will obey the orders and ſupport the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) D. M. HOLFORD, Major Comm. Ganjam.
THOMAS OWEN, Garriſon Surgeon.

I, the underſigned officer in the Honourable Company's ſervice, do in the moſt ſolemn manner, declare upon my word of honour, as a Britiſh Officer, that I will obey the orders

[No. 2. F.] Enclosure No. 42. in Gen. Letter, Secret Dep. 10th Sept. 1809.

and support the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commission which I hold from that Government.

(Signed) T. F. DUGGAM,
Captain and Deputy Judge Advocate N. D.

Ganjam, 2d August 1809.

To the Chief Secretary to Government, Fort St. George.

Sir,

Since I last had the honour of addressing you some occurrences at Masulipatam, of which I am not sufficiently informed to be able to commit them to paper, have produced a change in the sentiments of the officers and troops of the battalion which left this, in consequence whereof they have re-entered the Zillah, and are now on their march to this place and Chicacole; an express which was received from General Pater by the Commanding Officer of this Garrison gave me the first intelligence of this fact, and it has been subsequently confirmed by a Letter, which I received from the officer commanding the battalion, in respect to supplies of provision, which I conceived it right to lose no time in issuing orders about, to counteract the effect of the Proclamation; as I imagined the Honourable the Governor in Council did not design it to extend to troops returning to their duty and their allegiance, but that on the contrary every facility should be afforded them to accomplish this desirable object.

I am happy to be able to report favourably of the conduct of the Police under my charge, who did every thing that could be expected from persons previously unapprized of such unprecedented movements to impede the progress of and withhold supplies from the troops; but, from the reasons stated in my former Letter, much opposition or effectual resistance could not be expected from them to the force opposed to them.

I should be guilty of gross injustice, as well as of a violation of my own feelings, were I to withhold from the knowledge of the Honourable the Governor in Council, the striking marks of loyalty and attachment manifested by two Zemindars of this Zillah: Rajah Narrain Gazzapatty Rauze, Zemindar of Vizeanagreem, immediately on the march of the Native Troops, made an offer through his Dewan, Saugz Ramochendarauze, of one hundred Sepoys to do Garrison duty at this place, which being accepted they have continued to do from that period. The other Zemindar, Soondur Narrain Pauter, of Belgaum, made an offer in writing, translation of which I have the honour to enclose; this offer I felt no necessity of accepting, and accordingly declined mentioning; however, I replied, that I should make a point of stating his conduct to the Government. On these two actions I deem it perfectly unnecessary to offer any comment, as they sufficiently speak for themselves, and will no doubt be highly acceptable to the feelings of the Honourable the Governor in Council in times of emergency and difficulty like the present.

I have the honour to be, Sir,
Your most obedient Servant,

Vizagapatam Magistrate Office,
28th August 1809.

(Signed) G. PASKE, Magistrate.

From Soondur Narrain Pauter to the Magistrate of the Zillah of Vizagapatam; dated 19th August 1809.

I heard that some Military Gentlemen at Vizagapatam brought some Sepoys of a battalion that are doing duty at the several countries, and carried away by force part of the Collector's treasury. I being always the Company's well-wisher, I have a desire to come and serve myself, with all the armed men I have got in my country, until I shall be permitted from you to return; as I have no permission to set out myself, I wait for your orders. I wish that you will be pleased to send me a quick answer.

(Signed) SOONDUR NARRAIN PAUTER.

(A true Translation.)

(Signed) K. G. KEENE, Assistant Magistrate.

Head-Quarters, Northern Division.

To A. Falconar, Esq. Chief Secretary to Government.

Sir,

I have the honour to enclose the signatures to the pledge of obedience of the officer of Samulcottah with those of the superintending Engineer of the Division and his Assistant.

Having considered the state of the Garrison of Masulipatam, to allow of the signatures of its officers, without endangering the public tranquillity, I have now required, and expect, them every moment.

They shall be sent by express, as the actual signatures of the officers at this station may prove particularly acceptable to Government.

I have the honour to be, Sir,
Your most obedient Servant,

Masulipatam,
1st September 1809.

(Signed) J. PATER,
Major-General, Commanding the N. D. of the Army.

We, the undersigned officers of the Honourable Company's service, do, in the most solemn manner, declare upon our words of honour, as British Officers, that we will obey the orders, and

and support the authority of the Honourable the Governor of Fort St. George, agreeably to the terms of the Commissions we hold from that Government.

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(Signed) Rd. JOHN CORGRAVE, Captain, Supt. Eng. N. D.
JOHN MACKINTOSH, Asst. Supt. Eng. N. D.

We, the undersigned officers of the Honourable Company's service, do, in the most solemn manner, declare upon our words of honour, as British Officers, that we will obey the orders and support the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commissions which we hold from Government.

(Signed) J. Simons, Lieut.-Colonel commanding 1st battalion 11th Regiment N. I.; T. R. Patterson, Captain; J. P. Winfield, Do; J. Wontse, Do; John Simons, Do; L. Poignand, Lieutenant; J. W. Smyth, Lieut. and Adjutant; T. G. Newell, Lieutenant; John Hostic, Assistant Surgeon; Henry Green, Ensign; Charles Chambers, Do; J. Peake, Do; T. Wootcock, Lieutenant; H. Pearson, Ensign.

N. B. The signature of Lieutenant Bruce does not appear in this list, as that officer was absent on command from Rajahmundry when the paper was sent here, it will, however, be transmitted as soon as received.

Head Quarters, Northern Division.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir,

I have now the satisfaction to enclose the names of the officers at this station, affixed to the Pledge of obedience to Government.

It is, I believe, the general wish of the Garrison, that the Paper should be dated the 16th ultimo, that being the day on which it was first tendered, and virtually accepted.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER, Major-General,
commanding the Northern Division of the Army.

Masulipatam,
2d September 1809.

We, the under-signed officers of the honourable Company's Service, do, in the most solemn manner, declare, upon our words of honour, as British officers, that we will obey the Orders, and support the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commissions we hold from that Government.

(Signed) Thos Hancorne, Lieutenant, M. E. pd, 16th August; Marshall Clarke, En, Do Do; James Sleevart, Lieutenant, Do Do; G. Maunsell, Lieutenant, Do Do; W. Davinant, Lieutenant, M. E. pd, 16th August; J. S. Spankie, Lieutenant, M. E. pd, agreeably to a Pledge given in my name on the 16th instant; Ben. Baker, Lieutenant, M. E. Regiment; J. Storey, Major, 1st battalion 19th Regiment.—W. Kelly, Captain: Geo. Hare, Do; A. Andrews, Capt. M. E. Regiment.—Henry Yarde, Captain, Do; G. Nixon, Lieutenant, Do; James A. Kelly, Do; S. Lawless, Do; C. Colman, Do, 16th August; G. G. Maitland, Do, 16th August; B. Hooker, Do, 16th August; W. Fenwick, Do, 16th August; P. Brown, Do, 16th August; W. Carbery, Do, 16th August; H. Harington, Captain, 1st September 1809, Battalion 19th Regiment.—H. Norton, Lieutenant; D. C. Smith, Do, 1st battalion 19th Regiment.—A. Cooke, Lieutenant; J. Bannatyne, Ensign; Henry Mathews, Do; George Heath, Do; 1st battalion 19th Regiment N. I.

Head Quarters, Northern Division.

To A. Falconar, Esq. Chief Secretary to Government.

Sir,

I have the honour to enclose copy of a Letter received last night from Captain Wahal, and conclude that the 21st [illegible]tive Regiment must have arrived at Chicacole by this time, when the detachment from the 2d battalion 4th Regiment will immediately return to Berhampore.

The signatures of the Fort Adjutant of Masulipatam, and of the officers attached to the Artillery company, are herewith transmitted, having been accidentally omitted when those of the other officers in Garrison were obtained.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. PATER, Major-General,
commanding the Northern Division of the Army.

Masulipatam,
5th September 1809.

To Major-General Pater, Commanding the Northern Division of the Army.

Sir,

On my arrival here this morning I had the honour to receive your Letter of the 21st instant, desiring me to return to my station without delay; you will, long ere this reaches you, have got an express addressed to you, jointly from the officers of the corps under my command, by which you will observe your orders of the 21st instant have been anticipated, in consequence of our having received the Government Proclamation of the 9th of August

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1809, accompanied by the Test which was forwarded to you, with the signatures of the officers of this battalion.

The detachment under Captain Fair have resumed their duties at this place, and have returned the treasure they took from hence. That taken from Chicacole has been delivered over to Captain Montague of His Majesty's ship Cornwallis, who had instructions to receive it, as you will perceive by the accompanying papers.

The corps marched to-morrow morning for Chicacole, and you may be assured, conformably with your Orders, that particular attention should be paid to the preservation of the peace and order of the District, which I have the pleasure to acquaint you is at present in a state of perfect tranquillity.

(Signed) GEO. WAHAL,
Captain, and senior officer in charge 1st batt. 21st regt. N. I.

Vizagapatam,
30th August 1809.

We, the undersigned officers of the honourable Company's service, do, in the most solemn manner, declare, upon our words of honour as British officers, that we will obey the Orders and support the authority of the honourable the Governor of Fort St. George, agreeably to the tenor of the Commissions we hold from that Government.

J. MOORHOUSE, Captain, Artillery.
W. N. FAIR.
T. H. THORSBY, Lieutenant, Artillery.
H. HINE, Engr. Artillery.

Head Quarters, Northern Division.

To A. Falconar, Esq. Chief Secretary to Government.

Sir,

I have had the honour to receive your Letter, dated 3d instant, and beg to inform you, that I have issued the Orders required by that communication for the march of the Madras European Regiment towards the Presidency, and that I shall lose no time in communicating with the civil authority regarding the Peons necessary to assist the Artillery company in the protection of the Fortress of Masulipatam.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) J. PATER,
Major General commanding the Northern Division of the Army.

Masulipatam,
8th September, 1809.

P. S. As Captain Moorhouse has not yet left this station, I have taken it upon me to detain him for the present, as his presence with the Artillery company at this moment will be peculiarly required.

(Signed) J. PATER, Major General.

To Lieutenant Colonel Barclay, Military Secretary, &c. &c. &c.

Sir,

I have the honour to forward a declaration of fidelity, framed and signed, by Captain Waugh, the Barrack Master, notwithstanding I do not approve it; for whatever his loyalty may be now, I am sure it has been shaken so far, that had the Seringapatam Garrison held out, and the Hydrabad Force not seceded, he would not have signed the Declaration of the 26th July; but I do not like to withhold it, lest it be considered, that having taken upon myself to frame a test, I ought not to conceal from Government such sentiments as any officer may wish to be known to it. Under this impression I have also promised to Major Vernon and his officers to forward such a Declaration as they might think proper to offer.

The arrangement of yesterday, which I had the honour of reporting, of course is not affected by his; and the greater part of the officers proceed to-morrow.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) BEN. FORBES,
Lieut. Col. commanding in Malabar and Canara.

Cannanore,
11th September 1809.

It is impossible for me to declare the precise feelings and motives by which I was actuated when I first signed the unqualified test as tendered by the General Order of the 26th of July. Under those circumstances I have a strong objection to sign the test tendered this morning by the officer commanding in Malabar and Canara. I do however once more most solemnly declare, upon my word and honour, as a British officer, that my loyalty and attachment to my King and Country is unshaken; and that I do now sign the original Declaration from a thorough conviction of its propriety, and that I am ready and willing to support the present legal Government of Fort St. George with my services, in whatever shape it may find it expedient to employ them. So help me God.

(Signed) G. WAUGH,
Captain, Madras European Regiment, Barrack Master in Malabar and Canara.

Cannanore, 10th September 1809.

[No. 2. F.]
Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

Enclosure, No. 43.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort. St. George.

Sir,

Para. 1.—I HAVE the honour to report that Colonel Davis returned to Mysore yesterday from Camp, and that in consequence of information having been communicated to him by Colonel Forbes, that the Travancore force had determined to march to the relief of the refractory garrison at Seringapatam, I have been induced to alter the determination which I expressed in my letter of the 18th instant, and to dispatch to the Officers of the Fort the address from Hydrabad, in the hope that the example of their brother officers may reconduct them into the paths of loyalty and honour, which they have so unworthily forsaken.

2.—The honourable the Governor in Council may, however, rest assured, that Colonel Davis and I will not hearken to any terms but those of unqualified submission on the part of the rebel forces, and that the dignity of the Government, which we represent, shall be supported with the utmost energy and tenacity.

3.—I have every reason to fear that my head Tappal writer is in league with the traiterous enemy. I have, in consequence, ordered him to Mysore under a guard; and if I can establish the fact I shall only have to lament that martial law is not proclaiming, to enable me to inflict a summary punishment upon him in the instant.

4.—The accompanying letter has been forwarded to me by the Fort-adjutant at Bangalore. Colonel Davis proposes, in consequence, to direct the march to Naikenary of a party of troops, for the protection of the Government Dawk.

5.—I have been informed, by the British Resident at Goa, that His Majesty's 86th regiment may shortly be expected in Mysore; and I have accordingly directed the necessary supplies to be prepared for its reception.

6.—I have the honour to acknowledge your two letters of the 15th; the honourable the Governor's letter I have presented to Poorneah, who will shortly acknowledge himself, the friendly assurances and attention of Sir George Barlow.

7.—As a further proof of the inveteracy and low enmity of the garrison of Seringapatam to his Highness's Government, I beg to mention, that a few nights ago a party was privately dispatched from the Fort, who succeeded in cutting down the bank of the Nullah that runs under the Canyghaut hill, and so drawing off the water by which the Paddy-land between it and the Fort is watered.

8.—This circumstance is very trifling; it however tends to shew to what unworthy lengths a vile cause will drive (I am shocked to say) even men of British parentage.

I have the honour, to be, Sir,
Your most obedient servant,
(Signed) J. H^y COLE, 1st Assistant in charge.

Mysore,
20th August 1809.

To the honourable Arthur Cole, &c. &c. &c.

Sir,

I have the honour to inform you, that the Tappal-runners reported to me last night, that the packets, both going to and coming from Madras, are regularly stopped, opened, and examined by a number of officers at Naikinghurry; they could not say whether letters have been taken out or not, nor could they tell who the officers were.

I have the honour to be, &c. &c. &c.
(Signed) G. E. DARLEY,
Acting Fort-Adjutant in charge of Post Office.

19th August 1809.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

Although I have nothing of consequence to communicate, it will yet be satisfactory to Government to learn that matters proceed in the same train as when I had last the honour to address you.

The Fort continues to be blockaded as closely as our total want of Artillery will permit; and we are in hopes that reflection, together with the consciousness of their incapability to prevail in overturning the Government, may induce the misguided and mis-judging malcontents in that Garrison to return to their duty, and by submission to endeavour to appease the justly-kindled wrath of the honourable the Governor in Council.

The affair of the 11th appears to have cooled the rebellious order of the out Garrisons in Mysore; and obedience to Government prevails every where but in Seringapatam.

I have reason to be of opinion, that the unfortunate Sepoys of the Chittledroog Detachment have generally been either dispersed, killed, or maimed. Of the officers who alone were guilty, I regret to say, that excepting Captain Mackintosh, who is a prisoner here, and Lieutenant Best, who died of his wounds, the remainder all preserved their rebellious persons by an early and manful desertion of the unfortunate victims of their treason and guilt.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) A. H. COLE, 1st Assistant in charge.

Mysore,
21st August 1809.

[No. 2. F.]

Enclosures No. 43. in Gen Letter, Secret Dep. 10th Sept. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

Para. 1.—After having finished my Dispatch of the morning, a report was brought by one of our Videttes, that two officers with a flag of truce, were on their route from the Fort to Mysore.

2.—They were accordingly permitted to advance, and Captain De Havilland, and Captain Cadell shortly after made their appearance before Colonel Davis and myself.

3.—They informed us, they were sent by the officers of the Garrison to state that an Address, similar to that from Hydrabad was actually under preparation for signature in the Fort; and that in the mean time they had a request that no hostility might be urged on our part, until the conclusion of the affair, which might be expected in a few hours.

4.—Colonel Davis and I replied, that as to any address we were not authorized to receive one; what we required was the "actual delivery of the Fort and the Arms of its present retainers into our possession." After which we would converse about Addresses, &c. &c. we would agree to desist temporarily from any measures of hostility, and our troops should remain quiet on their posts during the night. Colonel Davis and I, however, would hold no communication whatever with Colonel Bell on any point, that man having forfeited by his conduct, all claim to any consideration from us.

5.—Thus terminated this grand embassy from the fortress of Seringapatam.

6.—Colonel Davis and I beg to offer our joint hopes, that Government may be pleased at the probable speedy termination to all war with their rebellious subjects in the territory of his Highness the Rajah of Mysore.

7.—Colonel Davis requests early orders respecting the Declaration of the officers of the Garrison, in the event of its being surrendered.

I have the honour to be, Sir,
Your most obedient humble servant,

Mysore, 21st August 1809. (Signed) A. H. COLE, 1st Assistant in charge.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Mysore, August 21, 1809.

The honourable the Governor in Council will have been apprized, by a Dispatch from Mr. Cole of to-day, that a flag of truce was this evening sent out from the Fort, and what was the result of the conference with the two officers who accompanied it.

I beg leave to request that no delay may occur in forwarding instructions from the honourable the Governor in Council to me, relative to the line of conduct which is to be pursued towards the officers and men of the garrison, in the event of their unconditional surrender of the Fort. It is my intention to march the 59th regiment, and the 1st battalion of the 3d regiment now in camp, into Seringapatam, if the terms which have been offered should be acceded to.

(Signed) HENRY DAVIS, Lieutenant-Colonel.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

Para. 1.—An Address is this moment received from the officers of Seringapatam to the Right honourable Lord Minto, throwing themselves upon his Lordship's mercy, and professing obedience and submission to Government. The Pledge offered to them by the Government of Fort St. George is also subscribed to, and to-morrow morning His Majesty's troops, under Colonel Davis, will take possession of the Island, and restore that portion of the Honourable Company's territory once more to peace and loyalty.

2.—I have the honour to enclose Colonel Davis's Orders of this day to the officers composing the garrison, by which the Right honourable the Governor in Council will perceive that the Addresses submitted by them will not be considered as of any import until the Fort is entirely evacuated, the arms of the malcontents delivered up, and the Island surrendered over to Colonel Davis's direction and authority.

3.—I do myself the honour to offer my humble congratulations and those of Colonel Davis on the happy termination of affairs in this division, and we earnestly hope that the return to duty of the malcontent depôt at Seringapatam will be imitated by every rebellious spirit in the Peninsula.

I have the honour to be, Sir,
Your most obedient humble servant,

Mysore, 22d August 1809. (Signed) A. H. COLE, 1st Assist. in charge.

P.S. Captains De Haviland and Cadell have just arrived here to request that the Sepoys, &c. in the Fort may not be permitted to march out without their arms, that they might not be exasperated at the disgrace, and be tempted to commit plunder. Colonel Davis, however, positively refuses to grant this request; and replies to the officers, that he holds them responsible for the conduct of their men, who must remain disarmed until he is favoured with the Orders of Government. I am happy to say that Captains De Haviland and Cadell deny that the officers in the Fort ever authorized the destruction of the Nullah, as reported in my Letter of 20th instant.

(Signed) A. H. COLE.

[No. 2. F.]
Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To the Officers in Garrison at Seringapatam.

Gentlemen,

I have received the Pledge of Allegiance to the Government of Fort St. George, signed by the officers in the Garrison of Seringapatam, together with an Address to the Right honourable the Governor-General, signed in the like manner.

The Honourable the Governor in Council having vested me with full powers to take such measures as may appear to me proper for regulating Military Affairs in Mysore, it is my order that the whole of the troops in garrison at Seringapatam, European and Native, with all their officers and other European inhabitants (though not in the service of His Majesty or the Honourable Company) should march from the Fort at day-light in garrison, leaving their arms piled in the grand parade under a small guard from each corps, there to await my further orders.

The Town-Major, the Commissary of Stores, and the Engineer, will remain in the Fort for the purpose of delivering it over to the troops whom I may appoint to the garrison.

The Engineer will take care to make the bridges, which had been partially broken down, passable for troops from both the Bangalore and Mysore sides.

Every accommodation will be afforded to the officers and men during the day for the removal of their baggage, and for the arrangement of their private affairs.

The Pledge and Address will be forwarded to the Honourable the Governor in Council so soon as the Fort shall be delivered over to my charge.

(Signed) H. DAVIS, Lieutenant-Colonel, Mysore.

N. B. The sick and wounded at present in hospital, European as well as Native, will remain in the Fort under charge of the Medical Staff; an arrangement will be made in the course of to-morrow for conducting the duties of the Medical Department.

(Signed) H. DAVIS, Lieutenant-Colonel.

To Lieutenant-Colonel Davis, &c. &c. &c.

Sir,

I am directed by the Honourable the Governor in Council to express the great satisfaction derived by him from the accounts transmitted in your Letter, under date the 22d instant, of the offer which was made to you of the unconditional surrender of Seringapatam.—That event is of the utmost importance at the present moment to the interests of this Government, and will greatly facilitate the final restoration of affairs.

It is the intention of the Government to postpone for the present the consideration of the punishment of the officers who have been engaged in the late seditious proceedings; but it is necessary that effectual precautions should be adopted in the mean time for the securing of the persons of those officers who have been concerned in the rebellion at Seringapatam. I am accordingly directed to desire that the senior officer of the Garrison, and the officers who were at the heads of corps, together with those who composed the Committee at Seringapatam, may be placed in close arrest, and that all the other officers may be placed under an arrest, and required to give a Pledge upon their honour that they will not leave the station assigned for their residence, nor make any attempt adverse to the interest or authority of the Government. The officers under close arrest will be kept at Seringapatam until further orders, and the remaining officers required to reside at whatever place in Mysore you may think proper to fix upon in communication with the Resident. Officers of His Majesty's service are to be placed in charge of the Artillery and Native Troops that were in Seringapatam at the time of its surrender. It will be necessary that the degree to which these troops willingly entered into the seditious proceedings of their officers should be ascertained before the clemency of the Government can with propriety be manifested towards them; and I am directed to request that you will forward a report to the Government, at the earliest practicable period of time, of the extent to which the Artillery and Native troops may be considered to have participated in the guilt of their officers. On the receipt of your report on this subject the Government will decide on the measures expedient to be adopted with respect to these troops; in the mean while they may be permitted to do duty under officers of His Majesty's service, with the exception of such as may have been particularly active in the rebellion, who are to be put under restraint.

You are requested to make such arrangements as may be practicable for the security of Seringapatam, and for the formation of a disposible field-force in Mysore. It will be desirable that the part of the 12th Regiment marching towards Mysore should be returned to Trichinopoly, if a respectable field-detachment can be formed in Mysore without their service.

I have the honour to be, Sir,
Your most obedient servant.

Fort St. George,
26th August 1809.

To A. Falconar, Esq. Chief Secretary to the Government, Fort St. George.

Sir,

Para. 1.—I have the honour to say, that since the conference which took place between Colonel Davis's Camp and the Fort, nothing material has happened.

2.—We have not been further molested in our quarter; every Ghaut on the Island, however, is crowded with guns, for the purpose either of repelling an attack from us, or supporting one against us.

[No. 2. F.] Enclosure No. 43. in Gen. Letter, Secret Dep. 20th Sept. 1809.

3.—The blockade of the Island still continues, and we endeavour by means of our Silladar Horse, and all our power, to prevent supplies of any kind from entering the Island; in this, as in every instance, I am ably assisted by the Dewan, whose zeal and attachment, if possible, increase my admiration; and gratitude for his support is beyond my power of expression.

4.—The detachment here he has supplied with ammunition; he has assisted Colonel Davis with four guns; and in short we have only to ask and to receive whatever is within his means.

5.—Mr. Sullivan has accompanied Colonel Davis to camp, to aid him in his communication with the natives, &c.

I have the honour to be, Sir,

Mysore, 16th August 1809. Your most obedient humble Servant, (Signed) A. H. COLE, 1st Assistant in charge.

To Alexander Falconar, Esq. Chief Secretary to Government.

Sir, Fort St. George.

I have had the honour to receive your Letter of the 11th instant, with its several enclosures. I beg you will assure the honourable the Governor in Council that every attention shall be paid to his instruction, consistently with the preservation of the public interests committed to my charge in this quarter.

Enclosed I have the honour to transmit copy of a Letter which I considered it proper to address to Lieutenant Colonel Forbes.

I have the honour to be, Sir,

Camp, near Ragaviah's Choultry, August 16th, 1809. Your most obedient humble Servant, (Signed) HENRY DAVIS, Lieut. Col. Mysoor.

To Lieutenant Colonel Forbes, commanding Malabar and Canara.

Sir,

I have the honour to acknowledge the receipt of your Letter of the 12th instant, with its several enclosures.

Under the circumstances which you have stated, and from a consideration of the existing state of affairs in the Provinces under your command in Travancore and in the Southern Countries, I conceive it will be most eligible to await an answer to the reference which you have made to Government, with regard to the pledge, before I send you my instructions to move troops to Malabar. I perfectly agree with you in opinion, that tranquillity will be best preserved by permitting the Native Regiments to remain at their present stations.

Considering it probable that the affair which occurred here on the 11th may have been mistated and much exaggerated in the Provinces under your command, I have the honour to enclose herewith a statement of the affair as it actually occurred, which I request you will communicate to the Company's officers subject to your authority.

(Signed) HENRY DAVIS, Lieut. Col. commanding Mysore.

Camp, near Ragaviah's Choultry, August 16th, 1809.

So soon as the garrison of Seringapatam had manifested a decided disposition to set themselves up in opposition to the authority of Government, it became the bounden duty of the Civil and Military authorities in Mysore to prevent, by every practicable means, the garrison from receiving any accession of strength from their disaffected brethren in the neighbourhood. With this view the most decided orders were sent to the Native corps at Chittledroog, to prohibit their march without previous sanction from legal authority; this prohibition being disregarded, and the corps having moved in the direction of Seringapatam, a party of Mysore troops, under the command of Ramrow, a respectable officer of the Mysore Government was detached for the purpose of preventing the further advance of the battalions, and with instructions to tell the commanding officer of the penalty which would attend any attempt that he might make to persevere in his purpose; these instructions were repeatedly urged by Ramrow, but in vain, the battalions still continuing to advance; and on the 11th instant, when within a few miles of Seringapatam, the Silladar horse began their attack, and being afterwards joined by a party of His Majesty's 25th Dragoons, upwards of 250 deluded wretches fell a sacrifice to the treasonable obstinacy of their officers. About 800 men effected their escape into the Fort, with the whole of their European officers, Captain M'Intosh excepted, who is now wounded and prisoner. It must be evident to every candid mind, that nothing but an inflexible determination on the part of the officers to carry into effect their criminal views could have occasioned the effusion of blood.

(A true Copy.)

(Signed) H. DAVIS, Lieutenant-Colonel commanding Mysore.

Private.

Dear Sir, Residence, 15th August.

The accompanying Letter was sent to me last night by Colonel Scott, and as, from its address, I suppose Sir George will not be displeased at my forwarding it, I have the pleasure to enclose it to you, for the purpose of being delivered to Lieutenant Colonel Malcolm.

From Colonel Davis's Letter of yesterday, or to-day, Government will perceive, that it is the resolution of the *Fort gentry* to hold out until the arrival of Lord Minto; and I regret that it is not in our power to make them change. A great many of the Chittledroog detachment

[No. 2. F.]
Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

tachment escaped into the Fort under cover of the guns; and that almost all the officers were saved in this manner, they having left their poor deluded men to their fate.

I am given to believe that the remaining Sepoys are greatly irritated at the deception which has been used towards them; and as a communication of their feelings will of course be made to the other two battalions in the Fort, some expectation may be indulged that a revolt against the Fort officers would ensue.

The Vaughn company has returned to that Fort, after an ineffectual attempt to go to Chittledroog.

No attempt has been made to-day upon the Mysore side, from the island; on that of the 13th Captain Turner was wounded, and some Sepoys killed.

The Dewan is staunch, and every assistance he has left is at our service.

I remain, yours obediently,

To Colonel Barclay, &c. &c. &c. (Signed) A. H. COLE.

Sir, Fort St. George, 21st August, 1809.

I am directed by the honourable the Governor to acknowledge the receipt of the undermentioned Letters from you, viz.

No. 1, Dated 15th August, to the Chief Secretary, enclosing a sealed Letter from the officers in Seringapatam to the Right honourable the Governor General.

No. 2, Dated the 15th instant, to my Address, enclosing Mr. superintending Surgeon Boswell's Letter to you.

No. 3, Dated the 15th instant, to my Address, enclosing lists of officers who had signed, and who refused to sign, the Declaration of the 26th July at Bednore and in Wynaud.

No. 4, Dated the 16th instant, to the Chief Secretary, enclosing copies of your correspondence with Lieutenant-Colonel Forbes.

Sir George Barlow approves of your not sending any answer to the two Letters from Colonel Bell, alluded to in your Letter, No. 1.

A General Order has been published, exempting all medical officers from being called upon to sign the Declaration of the 20th July, and directing them to continue doing their duty; you will, no doubt, receive a copy of that Order.

I am directed to request that you will send me a copy of your division orders, removing the officers from the exercise of their military functions who have refused to sign the Declaration of the 26th July, and fill up the Staff-division situations which may have become vacant on that account, as well as appointing officers to do duty with corps, in order that the appointments may be confirmed by Government, and the nominations to corps by the officers commanding the Army.

Sir George Barlow is of opinion, that it will not be necessary to take any other steps towards the reduction of the mutineers at Seringapatam, than blockading the island, and cutting off all manner of supplies from the troops, and occasionally sending in Proclamations, or Letters addressed to the native officers, apprising them of the true situation of affairs, and offering pardon to such of them as may quit the place within periods to be limited by you.

Sir George Barlow has directed me to suggest to you, whether a situation without the reach of that from the island, either across the Nullah on the road to Chittledroog, or under the carriage to Hill*, would not be better calculated for that purpose than your present encampment; as you might, from either of those situations, be able to cut off any parties that may venture a considerable distance to forage or plunder. In considering such a step as this, however, it will be proper to keep in mind the possible consequence of bringing the native troops in your camp so near to the mutineers in Seringapatam for any considerable period.

* Sic Orig.

It is expected that the troops of his Highness the Rajah of Mysore will be able to keep a complete blockade on the south side of the island.

I have the honour to be, Sir,

Lieutenant-Colonel Davis. Your most obedient servant.

To the Chief Secretary to Government, Fort St. George.

Sir,

I have the honour to transmit, for the information of the honourable the Governor in Council, two Letters sent me by Mr. Smith, Paymaster to the troops in Mysore.

I have the honour to be, Sir,

Fort St. George, 16th August 1809, Your most obedient servant,

Military Paymaster General's Office. (Signed) L. G. K. MURRAY,

Military Paymaster General.

The Military Paymaster-General, Fort St. George.

Sir,

I have now the honour to forward a narrative of transactions respecting my department, which I request you will be pleased to lay before the honourable the Governor in Council.

I am not aware that under existing circumstances I could have acted with more effect. The secrecy observed on the part of the confederates at Seringapatam was such, that the acting Judge and Collector, notwithstanding his establishment of police and revenue Peons appeared equally ignorant of the proceedings then carrying on as myself, who had not the same means of information.

It is with exceeding regret I relate the seizure of the thirty thousand (30,000) Pagodas

[No. 2. F.] Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

diſpatched from Bellary, for my treaſury, by a detachment ſent from Seringapatam for the purpoſe. I was in hopes that the early information I gave of its probable route through Myſore, would have placed it beyond the probability of riſk. Upon this ſubject, however, I can only ſpeak by a report, as no official communication has reached me reſpecting it.

I have eſtabliſhed my office at this place, but will be guided by events, and the opinion of the officer commanding the Diviſion, as to the propriety of continuing here (or removing elſewhere,) where I am deſtitute of aſſiſtance for the diſcharge of the general duty, as my ſervants ſtill continue priſoners at Seringapatam, and the occaſional aid afforded me by the firſt Aſſiſtant in charge is merely adequate to the diſcharge of emergent duties.

I therefore hope that my inability to forward the cuſtomary Reports, and to reply to official Papers will be admitted.

Pay-Office, Myſore, 10th Auguſt 1809. (Signed) J. SMITH, Paymaſter.

Narrative of tranſactions reſpecting the Pay-Office and Garriſon Store Departments at Seringapatam, from the 29th July to the 3d Auguſt 1809, both inclusive.

July 29th.—In the courſe of the evening I received a Letter from Captain Cadell, Town-Major, deſiring that I would immediately furniſh the ſenior officer with the liſt of proviſion-ſtores under my charge; for, in a converſation with Lieutenant-Colonel Bell, I remarked, that as the officer commanding the Diviſion was then in Garriſon, it would be proper I received his inſtructions upon the ſubject; and without a communication with Lieutenant Colonel Davis, and his approval, I did not conſider myſelf at liberty to comply with any requiſition of the kind. Lieutenant-Colonel Bell remarked, that he commanded the Fort, and that nothing whatever would be allowed to leave Seringapatam without his orders; this I underſtood to comprehend treaſure and public ſtores of every deſcription.

July 30.—The occurrences of the two preceding days appearing of a nature which warranted that every precaution ſhould be taken to prevent, in as much as practicable, any treaſure from going into the Fort, I addreſſed the firſt Aſſiſtant in charge of Myſore Reſidency, requeſting that he would retain for the preſent in his hands, the caſh required by me for payment on 1ſt Auguſt; and I was confirmed in the adoption of ſuch a meaſure, by learning in the courſe of the morning from the acting Collector, that his treaſure had been ſtopped the night preceding at the Chungaul Ford, by a guard of Sepoys ſtationed there, who would not allow the Peons in charge to remove it from off the Iſland. I conſulted with Lieut.-Col. Davis, commanding the Diviſion, on the plan to be purſued for detaining thirty-thouſand Pagodas expected from the Ceded Diſtricts; and it was agreed that I ſhould write to the firſt Aſſiſtant in charge of the Reſidency at Myſore, to iſſue orders for detaining the remittance in the Myſore territory. In purſuance of this I returned to the office, but when about to diſpatch a Note to the above effect, I was informed by Captain Cadell, that the gates of the Fort were ſhut, and that no perſon was permitted to paſs until further orders; about ſeven at night the gates were ſhut.

July 31—Early this morning I addreſſed a Note to the firſt Aſſiſtant in charge at Myſore, reſpecting the treaſure expected from the Ceded Diſtricts, and in the courſe of the forenoon proceeded to Myſore, in conformity to orders from Lieutenant-Colonel ; on my return I received the following.

To the Paymaſter, Seringapatam.

Sir, Seringapatam, 31ſt July 1809.

I have been directed by the ſenior officer of the Garriſon to inform you that he has deemed it adviſable to order the guard over your Treaſury, not to allow it to be opened without his (the ſenior officer's) poſitive orders.

I am directed to requeſt that you will, as ſoon as poſſible, tranſmit to me, for the information of the ſenior officer, an account of the money now in your Treaſury, and to be acquainted whether or not any part of it has been removed within the Fort, and to what place.

(Signed) GEORGE CADELL, Town-Major.

To the Garriſon-Storekeeper, Seringapatam.

Sir, Seringapatam, 31ſt July 1809.

I am directed by the ſenior officer of the Garriſon to requeſt that you will give immediate directions for the empty granaries to be opened, as he wiſhes to examine them, and aſcertain whether or not they will anſwer for the accommodation of the Native Troops.

(Signed) GEORGE CADELL, Town-Major.

To the Garriſon-Storekeeper, Seringapatam.

Sir, Seringapatam, 31ſt July 1809.

As you are not in the office, and as it is neceſſary that the ſtate of the empty granaries ſhould be immediately aſcertained, I have the honour to inform you that I have been ordered by the ſenior officer of the Garriſon to call upon your head ſervant for the keys of the granaries, and direct him to order the public ſervants attached to your Department to attend there immediately.

(Signed) GEORGE CADELL, Town-Major.

[No. 2. F.]
Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To the Paymaſter, Seringapatam.

Sir, Seringapatam, 31ſt July 1809.

As you are not in your office, and as it is abſolutely neceſſary that the detachment of His Majeſty's 80th Regiment ſhould be immediately ſupplied with three hundred Star Pagodas, I have the honour to inform you that I have been ordered by the ſenior officer of the Garriſon to direct your head ſervant to deliver that ſum to Enſign Herlong, of His Majeſty's 80th Regiment, whoſe receipt for the ſame is to be lodged in the Treaſury.

(Signed) GEORGE CADELL, Town-Major.

To the Garriſon Storekeeper, Seringapatam.

Sir, Seringapatam, 31ſt July 1809.

As your head ſervant has refuſed to deliver up the keys of the public granaries without your permiſſion, and as you are not within the Garriſon, I have been ordered by the ſenior officer of the Garriſon to take them and open the granaries.

(Signed) GEORGE CADELL, Town-Major.

My reply.

Lieutenant Colonel Bell, Seringapatam.

Sir,

I have the honour to acquaint you, that on my way to the office I received ſeveral Letters from Captain George Cadell, Town-Major, by which I remark that in conſequence of orders received from the ſenior officer of the Garriſon, a guard has been placed over my caſh cheſt, which is not to be opened without his (the ſenior officer's) poſitive orders. I have alſo to remark that Captain Cadell ſtates the granaries were forcibly ſeized on the refuſal of my ſervant to deliver up the keys, during my abſence on public buſineſs.

I requeſt you will be pleaſed to inform me, by what authority and upon what grounds ſuch ſteps have been taken, that I may act accordingly.

I beg to obſerve that my public ſervants are now under reſtraint; and that Rungapah Naick, my head aſſiſtant and ſuperintendent, is placed under the immediate charge of a Sepoy, who is inſtructed on no account whatever to allow him to leave the office, by this means preventing him from taking any ſuſtenance, as the rules of his religion prohibit his eating under certain circumſtances.

I requeſt an immediate reply.

(Signed) J. SMITH, Paymaſter, and G. S.

Pay-office, 2 P. M. 31ſt July 1809.

About ſix o'clock the ſame evening Captain Cadell and Captain S. De Havilland called at the Pay-office, and informed me that they were inſtructed by a Board of Officers to ſtate that my Letter of that date to Lieutenant Colonel Bell would be taken into conſideration, and replied to the following day. They deſired to be furniſhed with a liſt of the coins compoſing the treaſure on hand, which I refuſed, and aſſigned as my reaſon that I knew of no authority with which they were veſted for requiring ſuch a ſtatement. Upon this Captain De Havilland obſerved to Captain Cadell, "We may as well take it away (the treaſure) at once," "No, no," ſaid Captain Cadell. I begged I might be preſent when the money was counted, "certainly," ſaid Captain De Havilland, "and you ſhall have a receipt for it." I then informed theſe officers my intention to ſeal up all the Papers of my Department, and put a ſtop to public buſineſs, as Lieutenant-Colonel Bell and the other officers at Seringapatam diſabled me from diſcharging the duties of my appointment, by having taken poſſeſſion of my caſh-cheſt, and placing my ſervants under reſtraint. I requeſted they would ſtate my head ſervant was kept a priſoner, and underſtood from them that it was in conſequence of his refuſing to ſurrender the keys of the Granaries, when ordered to deliver them up by the ſenior officer. I obſerved that the ſervant was not to blame, as he acted agreeably to my poſitive inſtructions.

1ſt Auguſt.—About noon Captain Cadell called with a written Paper to the following effect: the officers of the Garriſon underſtanding that Rungapah has acted by your particular orders in refuſing the keys of the Granary, have directed that he ſhall be immediately releaſed, and will be much obliged to you if you will continue to execute the duties of your office as uſual, when every attention will be paid to your ſituation.

I remarked that the Paper was not ſigned; Captain Cadell ſaid he had called upon me by order of a Board of Officers. I knew of no ſuch authority, requeſted he would allow me a copy of the Paper, to which he aſſented; but upon my having copied it, ſaid he muſt firſt have the permiſſion of the officers. I returned the original and copy. Captain Cadell deſired I would ſay what my intentions were reſpecting my ſituation; I obſerved that while under ſuch reſtraint as at preſent, I cannot conduct the buſineſs of my Department; I therefore intend to remove my office and all my papers from the Fort, to a place where I can unmoleſted carry on the duties of my ſtation, which are not confined to Seringapatam, but comprehend the whole of the Myſore territory where Company's troops are now poſted. Upon this Captain Cadell left me, with the intention, I underſtand, of communicating what I had mentioned to the officers of the Garriſon; about two o'clock the following was brought me.

[No. 2. F.] Enclosure in Gen. Letter. Secret Dep. 10th Sept. 1809.

The officers in the Garriſon moſt particularly requeſt that Mr. Smith will continue to execute his functions as Paymaſter, &c. to the ſtation.

He may be aſſured that every attention and politeneſs will be ſhewn him.

Replied to Lieutenant-Colonel John Bell, Seringapatam,

Sir, Seringapatam, 1ſt Auguſt 1809.

The Letter I had the honour to addreſs you yeſterday remains unanſwered. As you have not been pleaſed to aſſign any cauſe for the forcible ſeizure of the granaries under my charge, and for placing a guard over my Treaſury (which I was not permitted to approach without ſpecial orders from the ſenior officer, whom I conſider to be you) a Note, of which the following is a copy, was this moment put into my hands:

The officers in the Garriſon moſt particularly requeſt that Mr. Smith will continue to execute his functions as Paymaſter, &c. to the ſtation.

He may be aſſured that every attention and politeneſs will be ſhewn him.

Seringapatam, 1ſt Auguſt 1809.

It is no longer a ſecret that the power lodged in the hands of the officers of this Garriſon by Government has been oppoſed to the Orders of that Government. I am therefore ſummoned by that duty and obedience which I owe to legally conſtituted authorities to withdraw from the garriſon.

It is expedient that I carry with me the whole of my Official Papers, my Caſh-Cheſt, and the contents of the Honourable Company's Cloth Godown; ſuch other bulky articles as cannot be eaſily removed, I requeſt I may receive acknowledgments for; and as it is probable that inſtructions have been given to ſtop all articles at the Fort-Gates, I beg that the whole of the above mentioned be paſſed beyond the territories of this place, and in charge of my public ſervants, without any moleſtation, as ſoon as carriage can be procured.

I requeſt to be favoured with an early reply.

(Signed) J. SMITH, Paymaſter, and G. S.

Pay-Office, paſt 2 P. M.
1ſt Auguſt 1809.

Lieutenant Colonel Bell, Seringapatam.

Sir,

I have once more the honour to addreſs you, to ſtate that in half-an-hour from this date I intend leaving the Fort, carrying with me a few of my Public Papers, ſuch only as are indiſpenſably required for conducting the duties of my appointment independent of this Garriſon; the whole of the reſt of my Papers, and all the Company's property, with ſeveral depoſits made by private perſons of ſuch plate as I intend ſhall remain here; and my ſervants will give you an account particular.

Pay-Office, 1 P. M. (Signed) J. SMITH, Paymaſter, and G. S.
2d Auguſt 1809.

[No anſwer was returned.]

2d Auguſt.—I remained at the Office during this forenoon, in expectation of a reply to my Letters addreſſed Colonel Bell, as follows:

No. 9.—Proceeded to Myſore by order of Lieutenant-Colonel Davis.

3d. Auguſt.—Anxious to ſecure the Office Papers, and to receive a reply to my many applications, I went to the Fort about 2 P. M. and, after having been ſtopped by the ſentinel poſted at the aqueduct bridge leading to the Fort, was at length permitted to proceed, when I was again ſtopped at the Myſore Gate Guard by the officer on duty, Lieutenant Smith, of the 2d battalion 10th regiment, N. I., who produced an Order written by Major Frieze of the Artillery, which prohibited me from paſſing to Myſore Reſidency, or to the Fort of Seringapatam; thus confining me to the ſmall ſpace of ground between the great and little Cauvery, at this time very conſiderably ſwelled. I requeſted permiſſion to addreſs Lieutenant-Colonel Bell, and wait his reply at the Guard-Room, to which Lieutenant Smith aſſented. I wrote the following:

Mr. Smith, Paymaſter and Garriſon Storekeeper, Myſore Diviſion, begs to acquaint Lieutenant Colonel Bell that he is ſo far on his way to his houſe in the Fort, and requeſts a reply to the many Letters Mr. Smith has written on the ſubject of the papers of the Pay and Garriſon Store Department, and which Mr. Smith had left yeſterday evening ready to be diſpatched for Myſore. Mr. Smith alſo begs to be informed what reſolutions have been entered upon reſpecting the ſervants of his Department now under reſtraint.

Mr. Smith was about diſpatching his clothes, papers, and ſome of his horſes, about an hour ago, to Myſore, but the ſentinel poſted at the Pariapatam Bridge would not admit a paſſage for them. Mr. Smith hopes that Colonel Bell will explicitly reply to the above circumſtance, and ſay how far Mr. Smith may conſider himſelf at liberty to carry away ſuch horſes and effects as he may require from off the iſland; and whether Mr. Smith will in future be prohibited from viſiting Mr. Smith's houſe, or ſending ſervants for ſuch articles as may be required.

(Reply.) Myſore Gate Guard.

Lieutenant Colonel Bell is ſurpriſed to find Mr. Smith is ignorant of the ſtate of this Garriſon.

Major

[No. 2. F.]
Enclosure No. 43. in Gen. Letter Secret Dep. 10th Sept. 1809.

Major Freize, who had arrived at the guard-room previous to the reply being received, informed me that I must return to my house. That evening I passed a rope to the opposite bank of the river, and carried across the few public papers in my possession; early the next morning I followed, and reached the Residency at Mysore.

Pay-office, Mysore, 10th August 1809. (Signed) J. SMITH, Paymaster.

My Dear Sir, Fort St. George, 22d August 1809.

I received your Letter of the 15th last night, and Sir George Barlow's permission. I forwarded Lieut. Col. Scott's Letter to Col. Malcolm immediately.

I have received the Letters from Col. Davis which you allude to.

A perfect knowledge of the unfair conduct of the officers of the Chittledroog battalions towards their unfortunate men cannot fail to open the eyes of the latter to the real state of affairs, and that must influence the other troops in Seringapatam.

You have not explained what prevented the Paugher Company from reaching Chittledroog.

Your Letter of the 15th is the only one received which mentions the sally in which Capt. Turner was wounded.

I remain, &c.

Honourable A. H. Cole. (Signed) R. BARCLAY, Military Secretary.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

1. I assembled the whole of the Native officers belonging to the cavalry and infantry regiments in my camp this morning, and explained to them, with the greatest attention, the proceedings which are carrying on in different parts of the Coast Army.

2. I distinctly pointed out to them that the European officers were busied in fomenting and exciting rebellious projects, by which they hoped to obtain benefits for themselves *alone*; that any improvement in the situation of the Native soldiers or officers did not enter into their calculations; that their audacious attempts would soon fail for the want of money; and that inevitable ruin must ultimately attend every Sepoy who dared to espouse their cause in the field, or who countenanced it by refusing to act in support of the Government against them. The officers admitted the truth of my statements, and the correctness of my conclusions. I then mentioned to them the report which had been made to me by Lieut. Col. Gibbs of their conduct and speeches on the 11th (as stated in my Letter of the 12th) they replied that not a Sepoy in the whole Army would hesitate to fight on the side of the Government if the real circumstances were made known to them; but that the greatest pains had been taken to delude them, and that in some instances success had attended their endeavours.

3. Upon this I asked the officers if they would fight against the troops in the Fort, in the event of their coming out to attack us. The officers answered unanimously, and without hesitation, that they should look upon the people in the Fort in the same light with other enemies of the state, and beat them as much. Sir G. Barlow will perceive by this statement, that as far as solemn assertions will go, I am secure as to the disposition of the Native troops with this force; and I am willing to believe that the declaration made by them to Col. Gibbs arose more from their ignorance of the real state of things than from any predetermined unwillingness to do their duty.

4. The very unsatisfactory conduct evinced by the detachment of Artillery which accompanied this force from Bangalore has induced me to order the greater number of them to return to that station. I have retained eight men under solemn assurances of future good conduct.

5. Nothing of consequence has occurred in this vicinity during the last two days.

I have the honour to be, &c.

Camp, near Choultry, 17th August 1809. (Signed) HENRY DAVIS, Lieutenant-Colonel, Mysore.

To the Adjutant General of the Army.

Sir,

Herewith I have the honour to forward a Letter from the senior Subadar of the 3d company of the 2d battalion 3d regt. N. I. lately stationed at Nundydroog, which I beg you will lay before the Officer commanding the Army in Chief.

Camp, near Ragaviah's Choultry, 17th August 1809. (Signed) HENRY DAVIS, Lieutenant-Colonel, Mysore.

To Lieutenant-Colonel Henry Davis, commanding in Mysore Division of the Army.

Honoured Sir,

I have the honour to enclose a Letter to the Adjutant-General of the Army, and request it may be transmitted to him, to be laid before the honourable Governor in Council, by his Excellency the Commander in Chief.

I am very much concerned to report to you on the 2d instant, that Major J. Welsh, and other European officers of the 2d battalion 3d regiment N. I. having passed the treasures to

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Government, which circumstances I mentioned in the enclosed Letter to the Adjutant-General, and hope will pleased to perceive it.

Nundydroog, 12th August 1809.

I have, &c.
(Signed) SHAIK ESMAULL, Subidar,
2d batt. 3d reg. N. I. Grenadier company.

P. S. I write by hurryness—if it any mistake, excuse—besides I cannot get good paper here—Shaik Homed Jemadar who accompanies with us.*

* Sic Orig.

To the Adjutant-General of the Army.

Honoured Sir,

I have the honour to inform you of the perfidious conduct pursued by Major James Welsh, and other European officers, of the 2d battalion 3d regiment N. I. to the Government of Fort St. George.

On the 2d instant having desired me to send for all the Native officers under his command, and for which I did agreeably to his directions, after the commanding officer said, and that I will mention, and of the circumstances to you and other Native officers, for which all the Native officers should obey or not, then we answered, and we will obey according to your orders.

On the 3d instant who sent some provisions, &c. to the Hill Fort, and in the same day evening at 6 o'clock the commanding officer requested to order on readiness to march the flank companies from barracks to the Hill Fort; at the same time a party was halted under charge of Lieutenant Walker in the Bangalore road; when I asked that officer for what purpose that party allotted here, then he answered, some European regiment coming to Ketch, and therefore watching here presently who took his party, and ordered me to gather up all the private, and will be immediately to the Hill Fort, when the party went inside; then I sent for the guard Havildar of the 1st gate, and we told him not be find if any European troops come to here against the our corps European officer; and more, we told the guard Havildar not be make any trouble because means of the and another same as brother, and we must not conceal to Government bread; if we do such bad conduct against the King's troops then we are all a suddenly go to the Hill the moment I been to the commanding officer; then he ordered to take care of this night.

Sic Orig.

Sic Orig.

On the 4th, early in the morning, Major Welsh opened the magazine Godown to prepare the guns to fire against the European regiment; soon as understood this contents, I have told to all the Native officers the above conduct. The Native officers entreat me to report to the commanding officer must not against King's party, agreeable that I been to Major Welsh, and I told him we not against for any matter to the Government.

The commanding officer and others soon as informed by me they are all come down instantly on what day. Commanding officer Major Welch sent for Boodsing Subdiar who asked him how this subject was D by Shaik Esmaull Subidar or private—he answered for his question this was passed by Subidar Shaik Ismaull and Gallam Moodeen, Native Adjutant.

On the 6th, Major Welsh, the commanding officer ordered for parade the evening, and when every European officer take out their regimental dress in front of the parade and went to their quarters, and after I with Native officers been to visit the gentlemen their commanding officer did angry upon me—expect all Native officers, not you, should to come my quarters, for which I answered, Sir, what I did to you their commanding officer told me you did every thing, therefore we lose our commission better behalf, doubt he stay before my face, suddenly I went away.

Sic Orig.

The Boodsing Subibar to whom Major Welsh says, Subidar, you are a good soldier, and I like you very much; however, I will perfectly inquire him, when I return back, by thank of God. some time.

Of the 7th, Major Welsh, Captain Lieutenant Stevenson, Lieutenants Walker, Tagg, and Dawson, all the gentlemen went to Bangalore, who delivered the corps command to Boodsing Subidar, as senior officer. Honoured Sir, now I am great fear to lose my commission about it; your honour will be pleased to state our commissions, we are all slaves to the Government.

I therefore beg leave to submit this to his excellency the Commander in Chief, to be laid before the honourable the Governor in Council, to represent the commission. I am very ready to do you all the service as you commands; if it any mistake in it, excuse, and I cannot get good paper. Shaiked Homed Jemidar who accompanies with our.

Sic Orig.

Nundydroog, 12th August 1809.

I have the honour to be, &c.
(Signed) SHAIK ESMAULL,
Subidar, 2d batt. 3d Reg. N. I. Grenadier Company.

To Lieutenant-Colonel Davis.

Sir,

The state of affairs at present appears to render it advisable that the arrangement formerly prescribed with respect to the movement of the disposable troops in Malabar towards Travancore should be resumed. The disposition manifested by the officers at Hydrabad, which seems to have resulted from the refusal of the men to join in their places, will render the force proceeding to the Ceded Districts adequate to the preservation of the public interests in the Southern Dominions, which the troops under your immediate orders, and 300 of His Majesty's 12th regiment now on their march to Seringapatam, appear to be sufficient to keep

in

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in check the Garrison of Seringapatam; and to oppose any refractory corps which may enter Mysore for the purpose of effecting a junction with that Garrison. The authority of Government in Travancore, where there is a large proportion of Native Troops, appears to require more support than at any other point; and although it is probable that the respectable detachment under the command of Colonel Wilkinson, together with the reinforcements which General Maitland will have sent to Quilon, will secure the establishment of the public authority in Travancore, it is still desirable to omit no suitable means of securing the accomplishment of that object. The considerations induce the Government to request that you will exercise your discretion in ordering Lieutenant-Colonel Forbes to move towards Travancore, with whatever force can be spared from the duties of Malabar, after the Orders of Government of the 26th ult. shall have been carried into effect in the latter Province.

The Governor in Council entirely approves of the measures which you adopted towards the Garrison of Seringapatam, and he requests that the Fort may be kept in the strictest state of blockade that may be practicable.

The Governor in Council regrets extremely the unfortunate fate of the Native Troops that advanced from Chittledroog; and as it is of importance that it should be fully ascertained whether they were ignorant of the real designs of their officers, he requests that you employ every means in your power to learn whether the information given by the serjeant is correct.

The Governor in Council leaves it entirely to your discretion to regulate the movements of the force under Lieutenant-Colonel Forbes, by the advices which you may receive from Colonel Wilkinson and Lieutenant-Colonel the honourable P. Stuart.

Fort St. George,
23d August 1809.

(Signed) A. FALCONAR,
Chief Secretary to Government.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

1.—I have great satisfaction in reporting to you for the information of the Honourable the Governor in Council, that the officers of the two companies of the 15th Regiment who were left at Chittledroog, have tendered their allegiance to Government; no intelligence has reached me of the intentions of two companies of the 8th Regiment, who were also left at Chittledroog; but I have every reason to think that they will follow the good example set them by the officers of the 15th.

Lieutenant Bateman, commanding a company at Paughur has also signed the required Pledge.

2.—A Sepoy, whom I yesterday dispatched to procure intelligence from the Fort, reports that he had a conference with a Havildar, of the 19th regiment, on picket near the Fort bridge, from whom he learnt that the Sepoys in the Fort receive three pagodas a month, and that they have been repeatedly sworn; the Havildar also gave the Sepoy to understand that the greater part of the 19th would be happy to quit the Fort if they could do so with impunity; but that the 15th and the artillery are staunch to the cause in which they are engaged and determined to abide by their officers to the last.

Camp, near Ragaviah's Choultry,
18th August 1809.

I have the honour to be, &c.
(Signed) HENRY DAVIS,
Lieutenant-Colonel, Mysore.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

1.—I have this day received a communication from the Resident at Hydrabad, informing me that the officers of the subsidiary force there have all signed the Test, and thrown themselves on the mercy of Government.

2.—Captain Sydenham enclosed to me an Address from the force at Hydrabad to Colonel Bell and their brother officers at Seringapatam, entreating them to adopt a like measure; and he informs me that Letters of equal import have been circulated among all the troops under the Presidency of Fort St. George.

3.—As I am not aware of the full intentions of Government relative to the refractory Garrison of Seringapatam, whose proceedings have been marked by outrage and opposition of a most traitorous and insidious nature, it is not my intention to forward to Colonel Bell and his officers the request of the Hydrabad force, until I shall be authorized by the orders of my Government so to do; nor shall I hold further communication with Colonel Bell and his Garrison, unless on terms of unconditional submission, on their part, to the mandates of the Right honourable the Governor in Council.

4.—I have since the pleasure in congratulating Government on the fidelity evinced by the Native Troops under Colonel Davis's command; and I am happy in stating that I continue to receive every cordial and efficient aid from the Dewan, and that the confidence which has ever marked the conduct of the Mysoor Government towards that of the Honourable Company, never existed in higher perfection than at this present period.

Mysoor,
18th August 1809

I have the honour to be, &c.
(Signed) A. H. COLE,
1st Assist. in charge.

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Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

1.—I have peculiar pleasure in announcing that His Majesty's loyal Troops took possession of Seringapatam this morning, while the repentant malcontents retired after having peaceably surrendered up all their arms.

2.—The honourable the Governor in Council may, perhaps, consider that Colonel Davis and myself have been too tenacious and harsh in insisting upon a surrender of the arms of the Sepoys, but an example was absolutely necessary, and the evacuation of the Fort by its mutinous Garrison with their arms and the honours of war could not certainly have produced the effect desired.

3.—I have the honour to enclose for the information of Government, a copy of a threatening request of the officers in the Fort, yesterday transmitted through Captains De Havilland and Cadell, on their having received information that we were determined to disarm their misguided Sepoys. Colonel Davis's reply was at once moderate and decisive. He said the Sepoys should neither be insulted nor inconvenienced; but that he must insist on an unconditional surrender of their arms.

4.—Should it be the wish of the honourable the Governor in Council to re-admit these Sepoys to favour, his condescension will be doubly appreciated, while his authority will have been supported in the highest degree; and I therefore cannot avoid anticipating the approbation of my Government, on the conduct of the commanding officer and myself in this instance.

5.—It may be considered presumptuous in me to remark upon the conduct of Colonel Davis throughout the late trying scenes. I cannot, however, forbear to add my humble meed of applause in favour of a friend and officer to whose firmness, ability, and cordial co-operation with this Government, the honourable the Governor in Council must principally attribute the downfall of rebellion in this division.

6.—Respecting the Dewan, situated as I have been, without even a commission of authority from my Government to render me of consequence in his eyes, I must ever feel the greatest admiration and gratitude for his undeviating and zealous support at a most unprecedented period, on every point connected with the welfare of the Government which I have accidentally had the honour to represent.

7.—I hope I may be pardoned for intruding in this place the expression of my great obligations to Mr. Sulivan and Mr. Ingledew, the *only* gentlemen in the Resident's family who have firmly supported me in the cause of Government; the former has been assiduously employed in aid of Colonel Davis (as well as myself) on the succession of part of that officer's staff; while the latter, in addition to every assistance which he could afford to me, has kindly taken upon himself the conduct of the Department of Agent for public Cattle, until Government shall be pleased to nominate an officer of their own selection to that important charge.

Mysore, 23d August 1809. I have the honour to be, &c. (Signed) A. H. COLE, 1st Assistant in charge.

N. B. Colonel Davis took the personal command of Seringapatam this morning.

To Lieutenant-Colonel Davis, commanding, &c. &c. &c.

Sir,

Having understood from Captains De Havilland and Cadell, that the only terms you and the honourable A. Cole are authorized to listen to from us, are an unconditional surrender of this Fort; and that, in consequence, it is your intention that the Garrison should march out as soon as practicable, *leaving their arms* behind them; and having pledged ourselves to obey all Orders from Government, we are ready to evacuate the Fort; but at the same time we beg leave to represent to you the impossibility on our part of disarming the troops in Garrison, situated as we at present are. If we were to attempt such a measure, it would be attended with the most serious consequences, as well to the public as to individuals, as the first step on their part would be plunder, and after that it is difficult to say where their fury might end. We, therefore, must earnestly entreat that the corps may be allowed to march *out with their arms*, in different directions, we pledging ourselves upon our most sacred honour for the correctness of their conduct, until the pleasure of Government may be known.

Should the accompanying Pledge on our part as commanding corps not be deemed sufficient, the whole of the officers in Garrison are ready to subscribe for the orderly conduct of their respective corps. We are induced to propose this measure to your favourable consideration, as, in our minds, most conducive to the public good; and also from our feelings for the troops who have only obeyed their officers. Without, perhaps, understanding the merits of the late unfortunate events, and under such sentiments, we would prefer suffering any punishment personally, rather than that any part of it, or any disgrace, should fall on them.

(Signed) J. Bell, Lieut.-Col. Artillery.—Robert Munro, Lieut.-Col. commanding 2d battalion 19th Regiment.—F. K. Aiskill, Captain in charge, 1st battalion 15th Regiment, N. I.—E. Edwards, Captain in charge, 1st battalion 8th Regiment N. I.

Seringapatam, 22d August 1809. (A true Copy.) (Signed) A. H. COLE, 1st Assistant in charge.

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Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

We, the underſigned officers in command of corps, do hereby declare, in the moſt ſolemn manner, upon our word of honour, that if the officers and men are allowed to retain their arms, we will be reſponſible to the utmoſt of our power for their behaviour, and the moſt implicit obedience will be paid to the Orders of Government.

(Signed) J. Bell, Lieut.-Col. Artillery.—Robert Munro, Lieut.-Col. commanding 2d battalion 15th Regiment.—D. C. Kenny, Major, commanding 2d battalion 19th Regiment.—F. K. Aiſkill, Captain in charge, 1ſt battalion 15th Regiment N. I.—E. Edwards, Captain in charge, 1ſt battalion 8th Regiment N. I.

To Alexander Falconar, Eſq. Chief Secretary to Government, Fort St. George.

Sir,

Mr. Cole's Letter of yeſterday will have apprized the honourable the Governor in Council that it was my intention to take poſſeſſion of the Fort of Seringapatam this morning, in the event of obedience being rendered by the Garriſon to the Orders which I had iſſued for its evacuation; a copy of which Orders was tranſmitted to you yeſterday with Mr. Cole's Letter.

I have now great ſatisfaction in reporting to you for the information of the honourable the Governor in Council, that thoſe Orders have been minutely fulfilled; the whole of the Garriſon, European and Native, having marched this morning from the Fort to the Sepoy Barracks on the Iſland, without their arms, where they now await my further inſtructions.

So ſoon as intelligence reached me from the ſuperintending Engineer, Captain De Havilland, and the Town-Major, Captain Cadell, that the Fort was completely evacuated, I proceeded with a ſquadron of His Majeſty's 25th dragoons, and three companies of His Majeſty's 59th regiment from the Myſore ſide, and took poſſeſſion of it. I was ſoon afterwards joined by four companies of the 59th, under Lieutenant-Colonel Gibbs, who had advanced by my orders from the Bangalore ſide. The remainder of the 59th will enter the Fort to-morrow morning; and I have ordered the 25th dragoons and the 5th regiment of cavalry to encamp on the Glacis.

I have particular pleaſure in informing the honourable the Governor in Council, that this affair has been conducted without the occurrence of a diſorderly proceeding; and my praiſe is certainly due to the officers for the attention which they have paid on *this* occaſion to the conduct of the men under their command.

It is my intention to order the whole of the late Garriſon to quit the Iſland at an early hour on the 25th; to ſeparate the battalions; to march them to different places at the diſtance of ten or twelve miles from hence; and to permit the officers to accompany the men, upon their pledging their ſacred word of honour to remain quiet themſelves, and to do their utmoſt to keep their men ſo, until I ſhall receive inſtructions from the honourable the Governor in Council for their future diſpoſal.

I moſt earneſtly entreat that I may be favoured with the commands of Government on this point at an early period, as it is extremely deſirable that theſe men ſhould quit the Myſore territory as ſoon as the neceſſary arrangements can be made for that purpoſe.

I have conſidered it proper to order the iſſue of a month's pay to the troops lately in Garriſon, as a meaſure the moſt likely to prevent them from attempting the plunder of the Fort, or of the houſes of his Highneſs the Rajah, and the Dewan, in which property to a large amount is lodged.

Lieutenant-Colonel Gibbs has been appointed to command the Fort and Iſland of Seringapatam until further orders. The Garriſon will conſiſt, for the preſent, of His Majeſty's 39th regiment, the 25th dragoons, and the 5th Cavalry; when affairs are a little more ſettled I ſhall bring in the 1ſt battalion of the 3d regiment Native Infantry, on whoſe fidelity and good conduct I am inclined to place much confidence.

I cannot conclude this Diſpatch without earneſtly recommending the Sepoys who have been engaged in the late diſorders to the favorable conſideration and to the clemency of the honourable the Governor in Council; that they have been culpable I cannot deny; but I am perſuaded that the ſtedfaſt adherence which they have manifeſted to the cauſe of their officers has ariſen from a miſtaken principle of duty; as they were confeſſedly ignorant of the real ſtate of things; and as the greateſt pains have been taken to keep them ſo, I am inclined to think that the honourable the Governor in Council will conſider them more as objects deſerving pity than puniſhment.

It is by no means my intention to recommend that theſe men ſhould be retained in the ſervice; but, on their diſmiſſal, that *ſomething* ſhould be done to keep them from a ſtate of immediate penury and want.

The painful and diſtreſſing ſcene which has lately occupied the attention of the public authorities in this quarter being now brought to a concluſion, I muſt again beg leave to call the attention of the honourable the Governor in Council, to the very able ſupport and aſſiſtance which have been afforded me by Mr. Cole, from its firſt commencement to its termination. To the harmony and confidence which have ſubſiſted between us throughout theſe unhappy troubles I greatly, and indeed altogether, attribute the ſucceſs which the cauſe of Government, and of all legitimate authority has met with in the diviſion of Myſore. The meritorious conduct of the Dewan has already attracted the attention of the honourable the Governor in Council; it only remains for me to add, that nothing could have been more firm, more zealous, or of greater utility in forwarding the intereſts of our country.

Encloſed I have the honour to tranſmit the Pledge of Allegiance to the Governor of Fort St. George, and an Addreſs to the Right honourable the Governor General, ſigned by the Officers lately of this Garriſon.

I have the honour to be, &c.

(Signed) HENRY DAVIS, Lieut.-Col. commanding Myſore.

N. B. The amount of the Native force lately in Garriſon is very nearly 3,000 men.

[No. 2. F.]
Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieutenant-Colonel Davis, commanding the Forces in Myſore.

Sir, Seringapatam, 22d Auguſt 1809.

I have the honour to tranſmit to you the Addreſs and Declarations of the Officers of this Garriſon, intimated to you yeſterday by Captains De Havilland and Cadell, which I requeſt may be forwarded to his Excellency the Governor General.

I have the honour to be, &c.

(Signed) J. BELL, Lieut.-Col. ſenior Officer.

To his Excellency the Right honourable G. Lord Minto, Governor General, &c. &c.

My Lord, Fort St. George,

We, the Officers underſigned, compoſing the Garriſon of Seringapatam, impreſſed with a ſenſe of the dangers that threaten the country, and not leſs actuated by thoſe pure ſentiments of loyalty and patriotiſm we have never departed from, rejoice at the opportunity now afforded us to aſſure your Lordſhip of thoſe feelings, and to convey to your Excellency an unequivocal proof of them.

We have received, through the honourable A. H. Cole, Acting Reſident at Myſore, a communication from Captain Thomas Sydenham, the Reſident at Hydrabad, purporting, "that our brother officers compoſing that Force have come to a reſolution of taking no "further ſteps, and have pledged themſelves to abide implicitly by your Lordſhip's deciſion "on your Excellency's juſtice, wiſdom, and clemency; and earneſtly appealing to your "Lordſhip's generoſity to grant them and thoſe concerned in the late unhappy events a "general amneſty."

We were induced to refuſe our ſignatures to the Declaration of the 26th July laſt from the ſtate of alarm we were then in, occaſioned by the manner in which that Paper was tendered to us by Lieutenant-Colonel Davis; the various reports then prevalent; and the horrible proſpect open to us of being ſhortly employed againſt our brother officers (many of them our relations).

We now come forward to offer to your Excellency that pledge of our duty and attachment to our King and Country, (from which we have never ſwerved) the moment we have learned that we cannot be employed in the manner above-mentioned, ſo repugnant to humanity and to the feelings of a Britiſh ſoldier: and we now, in conjunction with the officers of the Hydrabad Force, rely with confidence upon your Lordſhip's juſtice, wiſdom, and moderation, to grant to us and to all who have been concerned in the late unhappy events a general amneſty. We have the honour to be, &c.

(Signed) Rob[t] Munro, Lieut. Col. 2d batt. 15th regt.; J. W. Freeſe, Major; J[n] Bate, Artillery; Andrew Mac Dowell, Major, 15th regt.; D. V. Kenny, 2d batt. 19th; W. G. Pearſe, Capt. Lieut. 1ſt batt. artillery; Geo[e] Cadwell, Capt.; Geo[e] Brifft, Lieut. artillery; B. Mackintoſh, Lieut. artillery; T. Birt, Lieut. artillery; Dewille, Lieut. F. W. 1ſt batt. artillery; David Scott, Surgeon, 1ſt batt.; A. P. Ruſſell, Enſign; A. Bell, Enſign; H. Stuart, Lieut. F. W. 1ſt batt. artillery; A. Crawfurd, Lieut. F. W. 1ſt batt. artillery; D. Carſtairs, Lieut. 1ſt batt. 1ſt regt.; H[y] Swain, Lieut. and Adj. 1ſt batt. 8th regt. N. I.; H. Wahab, Lieut. 2d batt. 19th regt. N. I.; H. De Havilland, Lieut.; A. Denny, Lieut. 8th regt. N. I.; C[n] Biſhop, Capt. 2d batt. 19th regt.; Ja[s] C. Hundis; S. H. Jones, Surgeon; D. Donalſon; Will[m] Peyton; J. Baker, Lieut. 1ſt batt. 8th regt; S. Manſell, Enſign, 2d batt. 19th regt.; H. R. King, Enſign, 2d batt. 19th regt.; F. K. Aiſkell, Capt. 15th regt.; J. Turner, Capt. 15th regt.; E. S. Patiſhall, Lieut. 1ſt batt. 15th regt.; F. Addiſon, 8th regt.; G. Mather, Aſſiſtant Surgeon, 2d batt. 15th regt.; J[n] Hurne, Enſign; C. Snell, Enſign, 15th regt.; E. Craſter, Enſign, 1ſt batt. 15th regt.; W. Eyles, Enſign, 1ſt batt. 15th regt; S. Townſend, Lieut. 2d batt. 15th regt.; C. Charleſworth, Enſign, 2d batt. 15th regt.; J. Napier, Lieut. and Adj. 2d batt. 15th regt.; A. Limond, Capt. 15th regt.; E. Edwards, Capt. 1ſt batt. 8th regt.; A. M[c] Cormick, Enſign, 2d batt. 15th regt. N. I.; H. R. Cazalet, Enſign, 1ſt batt. artillery; H. Degraves, Lieut. 1ſt batt. 8th regt. N. I.; Ja[s] Noble, Lieut. 2d batt. 15th regt.; E. T. Heligame, Enſign, 1ſt batt. 15th regt. N. I.

We, the underſigned officers of the honourable Company's Service do, in the moſt ſolemn manner, declare, upon our word of honour as Britiſh officers, that we will obey the Orders and ſupport the authority of the honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commiſſions which we hold from that Government.

(Signed) F. Munro, Lieut. Col. 2d batt. 15th regt.; J. W. Freeſe, Major, 1ſt batt. artillery; Andrew M[c] Dowell, Major, 15th regt.; D. C. Kenny, Major, 2d batt. 19th regt.; H. De Havilland, Capt. S. E.; Geo. Cadwell, Capt. Town-Major; W. G. Pearſe, Capt. Lieut. 1ſt batt. artillery; J. Armons, Enſign, artillery; A. Limond, Capt.; T. Birt, Lieut. artillery; E. Watichall, Lieut. and acting Adj. 1ſt batt. 15th regt.; J. L. Williams, Lieut. 1ſt batt. 15th regt.; H. S. Swain, Lieut. and Adj. 1ſt batt. 8th regt. N. I.; J. Briggs, Lieut. artillery; S. Townſend, Lieut. 2d batt. 15th regt.; G. Mather, Surgeon, 2d batt. 15th regt.; A. Denny, Lieut. 1ſt batt. 8th regt.; W. Eyles, Enſign, 1ſt batt. 15th regt. N. I.; T. H. Aiſkill, Capt. 1ſt batt. 15th regt. N. I.; E. Craſter, Enſign, 1ſt batt. 15th regt.; C. Charleſworth, Enſign, 2d batt. 15th regt. N. I.; A. Crawfurd Lieut

[No. 2. F.] Enclosure No. 43, in Gen. Lett. Sec. Dep. 10th Sept. 1809.

Lieut. F. W. 1ſt batt. artillery; Oſw^d Kennin, Lieut. 2d batt. 1ſt regt. N. I.; A. Bell, Enſign, doing duty with artillery; R. Rolleſten, Lieut. 2d batt. 15th regt.; J. Hurne, Enſign, 2d batt. 15th regt.; H. Kent, Lieut. 2d batt. 15th regt.; W. Wahal, Lieut. and Adj. 2d batt. 19th regt. N. I.; J. Michall, Lieut. 2d batt. 19th regt. N. I.; C. Biſhop, Capt. 2d batt. 19th regt.; J. C. Hurdis, Capt. 2d batt. 19th regt.; W. H. Ridding, Lieut. 2d batt. 19th regt.; J. H. Jones, Surgeon; D. Donald, Lieut.; W. Payton, Enſign; H. K. King, Enſign, 2d batt. 19th regt.; J. H. Baker, Lieut. 1ſt batt. 8th regt. N. I.; S. Addiſon, 8th regt.; S. Manſell, Enſign, 19th regt. N. I.; J. D. Brown; W. H. Loftie, Capt. N. I.; J. Scarman, Surgeon; C. Limnon, Aſſiſtant Surgeon; S. M. Stephenſon, Aſſiſtant Surgeon; Charles Snell, Enſign, 18th regt.; J. Turner, 15th regt.; J. Napier, Lieut. 15th regt.; E. Edwards, Capt. 1ſt batt. 8th regt.; A. M^c Cormick, Enſign, 15th regt.; H. R. Cazalet, Enſign, 1ſt batt. artillery; H. Degraves, Lieut. 1ſt batt. 8th regt.; J. Noble, Lieut. 2d batt. 15th regt. N. I.; E. F. Heligame, Enſign, 1ſt batt. 15th regt. N. I.

Seringapatam, 21ſt Auguſt 1809.

Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

I conſider it a duty which I owe to myſelf to remark upon the following expreſſion in the Addreſs to the Right honourable the Governor General from the officers in Garriſon here, occaſioned by "manner in which that Paper was tendered to us by Lieutenant-Colonel Davis."

After I had offered the Pledge to the Officers, and before I ſeparated from them, they declared, in the warmeſt and even in the moſt affectionate terms, the ſenſe they entertained of the conduct which I had obſerved on that occaſion. This declaration was followed up by a Letter from Lieutenant-Colonel Bell, concluded in the warmeſt terms of approbation. Captain Webſter, late Aſſiſtant Adjutant-General, was preſent, and can vouch for the authority of this ſtatement.

I have, &c.

Seringapatam, Auguſt 23d. (Signed) HENRY DAVIS.

To Alexander Falconar, Eſq. Chief Secretary to Government, Fort St. George.

Sir,

1.—Every thing continues tranquil; and the diſarmed troops will, by to-morrow, have all marched from the Iſland.

2.—The officers, dreading the effect which their duplicity may have on the minds of their deluded native ſoldiers, are, I underſtand, under the greateſt apprehenſion. They, however, deſerve to ſuffer, rather as their preſent obedience proceeds entirely from neceſſity, and by no means from choice; for had they a hope of ſupport from the Hydrabad or any other Force, they would not have ſubmitted until compelled.

3.—I am happy to report that we have eſcaped being plundered; and I am in hopes of recovering the greater portion of the grain belonging to the Circar, which has been pillaged during the reign of rebellion and outrage.

4.—Although it may be conſidered out of my province to obſerve upon the conduct of the acting Judge and Magiſtrate, &c. of the Iſland of Seringapatam, I feel an invincible demand upon my public duty to ſtate, that the very ſpirited and decided line of proceeding which that loyal Officer adopted during the continuance of his magiſterial authority has eminently conduced to diſtreſs the malcontent party, and to forward the Britiſh intereſts in this part of India.

I have, &c.

(Signed) A. H^y COLE, 1ſt Aſſiſtant in charge.

To Alexander Falconar, Eſq. Chief Secretary to Government, Fort St. George.

Sir,

The corps compoſing the late Garriſon have all marched off the Iſland, in four bodies, to ſeparate ſtations, not far removed from the Fort. The Chittledroog corps and the 2d of the 15th were the only corps which ſhewed any reluctance.

The unfortunate Sepoys having been ſo cruelly deceived by their officers, ſaid, they were willing to obey any proper authority; and that they only wiſhed for an order from Colonel Davis, or a King's Officer, to regulate their conduct. Colonel Gibbs immediately went in perſon, and they, without heſitation, complied with his commands. The officers commanding the late mutinous force are evidently under ſerious apprehenſions for their perſonal ſafety, which is very natural, conſidering the inſidious deceitful mode in which they have acted towards the unfortunate troops, whoſe chief error has been attachment to men whom they have been taught to reſpect, but who have infamouſly deluded them.

The unfortunate natives are much to be pitied, for they were kept apart from the voice of reaſon; and as to their betrayers, it is the province of higher authority than I preſume to be to judge of their merits.

Of one circumſtance, however, I am poſitive, that deſpair of ſucceſs, or force alone, could have reduced the late Garriſon of Seringapatam to order and obedience.

I lament the ſituation of ſome moderate-minded men amongſt them, who were from compulſion obliged to herd with the traitorous throng, and I ſhall take the liberty ſoon of bringing to the notice of Government their claims to ſome conſideration.

[No. 2. F.] Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

The Dewan having requested me to remove the revenue and judicial Officers of Mr. Casamaijor's court, because he understood that they endeavoured to carry on secret communications with the Fort, that gentleman immediately consented to their being ordered to Bangalore, which may account for the delay that must occur in the resumption of the civil duties of the island.

The civil authority is, however, again recognised there, and matters will every where proceed shortly in the usual routine.

I have, &c.

Mysore, 25th August 1809.

(Signed) A. H. COLE, 1st Assist. in charge.

To Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

I have great satisfaction in reporting to you, for the information of the honourable the Governor in Council, that the whole of the late Garrison quitted the island of Seringapatam this day, and proceeded to their respective destinations: no circumstance of disorder or impropriety marked their departure.

Particular praise is due to the Native Officers and men of the 2d battalion of the 19th, the 1st of the 15th, and the 1st of the 8th, for the alacrity which they have shewn in executing my instructions: to all the questions which have been put to these people regarding the late proceedings, only one answer has been given:—"that they had been accustomed for "twenty and thirty years to receive orders from their Officers alone, and that it had always "been considered a matter of strict duty to yield obedience to such orders; that Sepoys were "frequently and severely punished for the slightest deviation from them; that the officers "had ordered the corps to march to Seringapatam; that they had in consequence marched "without making any inquiries, never supposing for a moment that by doing so they were to "incur either displeasure or disgrace."

The honourable the Governor in Council will readily perceive the mistaken principle which has actuated these men during the late proceedings; and I am sure he will be eager to draw a broad line of distinction between those who have wilfully sinned, and the poor wretches who have been led into guilt by the artful misrepresentations of the very people appointed to keep them in the paths of duty and obedience.

I have, &c.

Seringapatam, 25th August 1809.

(Signed) H. DAVIS, Lieutenant-Colonel, Mysoor.

To the Honourable the Governor in Council, &c. &c. &c.

The Representation of Mustoma Saib, 1st Subidar of 2d batt. 3d Regiment.

Having received your orders of the 4th August and perused the same with attention, I learned the contents thereof. I sent the copies of the said orders to the Subidars of the companies stationed at Nundydroog, Halabel, Condapoor; I will transmit their answers to your presence as soon as I shall receive the same from them. Captain Cuias, the commanding officer of this place, sent for me, and delivered the command of the battalion to my charge at nine o'clock in the morning of the 5th instant. It appears that all the European Officers will go away. Having the five companies of this place under my charge, I pay attention to the discharge of the duties of this Garrison, in conformity to the orders of the Government. It is not necessary to entertain any doubt of our readiness to pay the usual attention to the discharge of our duties in the Company's service, agreeably to the orders of those Officers who may be appointed hereafter by Government; we trust that the Government will continue to protect us in the same manner as they have hitherto done; we will not attach ourselves to those who incurred the displeasure of the Government. This Representation is made by us, the Subidars, Jemidars, Havildars, Naigues, and Sepoys, &c.; we are ready to obey such orders as you may think proper to issue; we request that you will favour us with your commands for our future guidance. The 2d batt. 3d regt. is now garrisoned as follows, *viz.*

The first grenadiers and eighth companies are at Nundydroog; the first and sixth companies are at Halahel and Jumbrany; fifth company at Condampory; and the second, third, fourth, seventh, and eighth companies at this, Bednore.

Bednore, 16th August 1809.

(A true Translation)

(Signed) C. RANGIAH, Interpreter.

Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

1.—I have the honour to transmit to be laid before the honourable the Governor in Council, a copy of my Letter, of yesterday's date, addressed to the Persian Secretary to Government at Fort William.

2.—Since the dispatch of my Letter to you of the 13th instant, I judged it to be expedient and necessary to ascertain, with as much certainty as the case admitted of, the sentiments of the Officers and Sepoys in this country upon the subject of the existing ferment, and I was gratified by discovering that, in general, the Native Troops here would positively decline moving from their stations under any orders not regularly proceeding from the authority of Government, and passing through the Resident or the Officer commanding the force in Travancore.

3.—To guard, however, the public interests in this quarter, as far as depended on me, against detriment, I judged it right to concert with the Dewan the most effectual measures for

for checking the progreſs of any corps, or portion of a corps, that might unhappily be deluded into an unauthorized movement. With this view, it was reſolved, that the moment that the Dewan received, either from me or from the honourable Lieutenant-Colonel Stuart, an intimation in writing of an irregular movement in any part of this country, that he was inſtantly to take the moſt efficacious ſteps for obſtructing the movement, particularly by cutting off the paſſage of any ſupplies of proviſions to any troops thus acting in open rebellion to the State. The Dewan pledged himſelf to perform his part to the utmoſt of his power with firmneſs.

[No. 2. F.] Encloſure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

I have, &c.

Travancore, 22d Auguſt 1809. (Signed) C. MACAULAY.

Lieutenant-Colonel Barclay, Military Secretary.

Sir,

I have the honour to forward duplicate of my Diſpatches, addreſſed to the Chief Secretary to Government, under date the 12th, 13th, and 14th inſtant. I am apprehenſive that the originals may have been intercepted by a party of Officers at the head of the paſs, as information has been formally lodged that many Tappals have been ſtopped and broken open on the road from Bangalore to the Carnatic.

The detachment of Artillery, lately in Garriſon at Seringapatam, are on their march to Coongul; the 2d of the 19th to Malavelly; the 1ſt of the 15th and the 1ſt of the 8th to Melgottah; and the 2d of the 15th to Cancanully. The whole of the corps will remain at theſe ſtations until I receive further inſtructions from Government.

(Signed) HENRY DAVIS, Lieutenant-Colonel, Myſoor.

Myſoor, 26th Auguſt 1809.

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

I have had the honour to receive your Letter of the 22d inſtant. The ſubmiſſion of the Garriſon of Seringapatam having put a ſtop to all rebellious proceedings in Myſoor, it is my intention to order Lieutenant-Colonel Forbes to proceed in the direction of Travancore, with the whole of his diſpoſable force, for the purpoſe of ſupporting Lieutenant-Colonel Stuart, ſhould the proceedings of the malcontents in that Province render ſuch a meaſure neceſſary.

Encloſed I have the honour to forward a Petition which has been addreſſed to me by the Native Officers of the 1ſt battalion 8th regiment. It affords another ſtrong proof of the artful miſrepreſentations exerted by the European Officers to lead the unfortunate people under their command into guilt, and the ſufferings attending it.

I have every reaſon to believe that the account given by the Quarter-Maſter Serjeant of the 15th regiment, as reported in a former Diſpatch, is perfectly correct; and I am fully perſuaded that neither the Native Officers nor the men would have marched from Chittledroog if they had been aware of the intentions which their Officers had in view when they gave the Order.

The pains which have been taken to delude theſe people are almoſt incredible. Amongſt other reports which have been circulated, the moſt criminal, though ridiculous, is the following, "That His Majeſty, the Company, and the Dewan of Myſoor, were fighting for the "Country; and that the battalions from Chittledroog were to march for the purpoſe of "protecting Seringapatam from the Myſoor troops." The appearance of the Silladar Horſe, at a critical moment, and the hoſtile attitude which they aſſumed, countenanced this report; and it certainly has obtained a vaſt deal of credit amongſt the unfortunate Sepoys.

I have the honour to forward copies of my Letters of this day's date to Lieutenant Colonel Forbes, and to the honourable Lieutenant-Colonel Stuart.

Myſoor, 26th Auguſt 1809. I have, &c. (Signed) HENRY DAVIS, Lieut. Col.

To Colonel Davis, Commanding Officer of the Forces in Myſoor.

The humble Petition of the Subidars, Jemidars, Havildars, Naigues, and Privates, &c. belonging to the 1ſt battalion N. I.

Honourable Sir,

As we ſubmiſſively beg leave to lay our miſerable caſes to your goodneſs, that, agreeably to the inſtructions of the commanding officer of the corps, we marched from Nugger with our families to Wallajahbad, in our way to Chittledroog; our commanding officer has given a freſh order to leave our families in that place, and to march together with the 1ſt battalion 15th regiment to Seringapatam; upon which we aſked the officers of our corps, that what was the reaſon to march to Seringapatam, and to leave our families here? Then our officers of the corps anſwered us, there was ſome diſpute raiſed between the honourable Company and Poorniah; ſo we totally truſted their words, and left in part of our families at Chittledroog; and we marched with the other battalion from thence, and after three or four, marched from Chittledroog, and we met the Poorniah's forces near Cadopie; from that place to the Renna Cumbum we ſuffered very much by thoſe forces, and arrived very near to the Fort of Seringapatam, but where we met His Majeſty's 25th regiment Light Dragoons; when our commanding officer told us as Dragoons in coming into our part, therefore deſired us not to attack with them, therefore we thought that it was true, and depended his words, and we did not attacked with them. Few minutes after the Dragoon entered into our corps, and begin to cut in pieces, and in rear ſide the Poorniah's troops alſo begin to cut in pieces, likewiſe plundered us entirely; upon which we throw out all our arms, &c. there we ran away from ſpot of ſame, and come with the Fort with naked.

Sic. Orig.

Sic Orig.

Sic Orig.

[No. 2. F.] Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Yesterday, at six o'clock in the morning, the commanding officer and the Town-Major were come into the parade, and told us it is Colonel Davis's order to go away all the battalion from the Fort, without arms, so we accordingly obeyed their orders, and come away from the Fort.

We know nothing of the consequence of the matters raised between His Majesty's troops and the honourable Company's. Our duty to obey the Commanding Officer of the corps, according to the military regulations.

Therefore we submissively beg your goodness, and consider to shew some means to us, and we glad to serve under your authority, if your goodness please to employ at any place; in so doing the favour, ourselves and our families will pray you for ever.

Lieut. Col. the Hon. P. Stuart commanding the Subsidiary Force in Travancore.

Sir,

I have very great satisfaction in informing you that the Garrison of Seringapatam, who were for upwards of three weeks in a state of rebellion to the Government, surrendered unconditionally on the 23d instant. On the 24th I took possession of the Fort, the whole of the troops composing the late Garrison, having previously evacuated it on the 25th; they marched out of the island without their arms, separated into respective corps, and proceeded to a station which I had pointed out for them.

This surrender having put a stop to all rebellious proceedings in Mysore, leaves me at liberty to afford you support from Malabar.

I have, in consequence, directed Lieut. Col. Forbes to move immediately in the direction of Travencore with the whole of the disposable force. Should the proceedings of the Malcontents in that country render such a measure necessary.

Lieut. Col. Forbes has been directed to regulate his movements by the information which he may receive from you.

I have, &c.

Mysore, 26th August 1809.

(Signed) HENRY DAVIS, Commanding Mysore.

To Lieut. Col. Forbes commanding in Malabar.

Sir,

My Letter of the 22d instant will have apprised you of the favourable turn which things have taken in Seringapatam.

I have now great satisfaction in informing you that the whole of the late Garrison yesterday quitted the island without their arms, and proceeded to the destination which I had previously allotted for them.

The submission of this Garrison having put a stop to all rebellious proceedings in Mysore, no reinforcement of troops will be required from the Provinces under your command, it is therefore my desire that you should proceed immediately with the disposable force in Malabar to the support of Lieut. Col. Stuart, should the proceedings of the Malcontents in the Country of Travancore render such a measure necessary.

Your movements will, of course, be regulated by the information with which Lieut. Col. Stuart may furnish you.

Mysore, 26th August 1809.

(Signed) HENRY DAVIS, Commanding Mysore.

General Orders by the Honourable the Governor in Council.

Fort St. George, 30th August 1809.

A report has been received by the Governor in Council from the officer commanding in Mysore, stating that the troops which composed the Garrison of Seringapatam surrendered at discretion on the 23d instant, delivered up their arms, and proceeded to the stations in Mysore allotted for their residence.

It has been ascertained that the Native Troops which proceeded from Chittledroog were entirely ignorant of the real designs of their Officers, and marched under an impression produced by their Officers, that his Highness the Rajah of Mysore had commenced hostility against the British Government, and attacked the Fort of Seringapatam. The appearance of the Mysore horse confirmed this opinion in the minds of those troops; and when they found, in the contest before Seringapatam, which was begun by the Mysore horse, that the British force acted against them, they abandoned their arms and endeavoured to save their lives by flight. It appears that a considerable number escaped into the Fort of Seringapatam.

This explanation is due to the general conduct of the Native Troops under this Government, who have, in circumstances of peculiar difficulty, manifested a fidelity to the state, that reflects great honour on their character.

The Governor in Council was persuaded that it was only by deceiving the Native Troops that they could be misled from their duty; and their conduct in every station when they had an opportunity of being made acquainted with the true situation of affairs justifies the high opinion which he entertained of their zeal and fidelity, and entitles them to the approbation and thanks of the Government.

The Governor in Council greatly ascribes the early termination of the disturbance in Mysore to the vigilance, energy, and talents of the Acting Resident, the Hon. Arthur Cole, and the Commanding Officer in Mysore, Lieut. Col. Davis; and he judges it proper again to express

expreſs his high ſenſe of the important ſervices which they have rendered to the intereſts of their country in India. [No. 2. F.]

(Signed) A. FALCONAR,
Chief Secretary to Government.

Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

To Lieut. Col. Barclay, Military Secretary.

Sir,

1. Enclosed, I have the honour to tranſmit duplicates of Diviſion Orders iſſued by me up to the preſent moment.

2. The ſuperintending Engineer, the Town-Major, and the Commiſſary of Stores in Seringapatam, have been permitted to continue in their ſituations until the neceſſary arrangements can be made for regulating the ſeveral departments under their charge.

3. So ſoon as theſe arrangements ſhall be completed, it is my intention to ſend Captains De Havilland, Brown, and Cadell from the Garriſon, until I receive further inſtructions from Government for my guidance.

4. In removing Capt. Brown from the ſituation which he at preſent holds I do not wiſh that the Hon. the Governor ſhould conſider that Officer as having given his ſanction or countenance to the late tranſactions in the Garriſon, which, I may fairly ſay, are, for enormity, unparalleled in Britiſh hiſtory; on the contrary, I believe Captain Brown to have done his utmoſt to prevent the violent meaſures which were reſorted to. I have received aſſurances to this effect; and the reſpectable character which that Officer has ever borne induces me to give implicit credit to them. I conſider it an act of juſtice to Captain Brown to ſtate, that, on his refuſing to ſign the pledge, he had prepared a Letter, reſigning his appointment, and requeſting me to point out a place for his reſidence, but all communication with the Fort being ſuddenly cut off he was prevented from forwarding it.

Mr. Stepney, a Volunteer with his Majeſty's 80th regiment, having applied to me for leave to do duty with one of the Cavalry regiments, I have directed him to join the 5th Native Cavalry for the preſent. He is moſt reſpectably connected, and bears an excellent character.

I have the honour to forward copy of a Letter which reached me this morning from Lieut. Col. Forbes.

It is my intention to tranſmit the names of Officers to fill the ſituations of Aſſiſtant Adjutant General of this Diviſion, of Town-Major, and Fort-Adjutant of Seringapatam, in a few days.

Myſore,
Auguſt 7th, 1809.

(Signed) HENRY DAVIS,
Lieutenant-Colonel, Myſore.

To Lieut. Col. Davis commanding in Myſore, &c. &c.

Sir,

Captain Edwards and Lieut. F. Grove proceed on the day after to-morrow towards Myſore.

I have the honour to inform you that the Hon. Lieut. Col. Stuart, carried the orders of the 26th ultimo into execution on the 19th; in conſequence of which 44 Officers were ſuſpended. He does not mention the names of thoſe who did ſign; but I underſtand that the following four were all: Captains Campbell, 9th Native Infantry; Nixon, Artillery; Balmain, and Ahmuty.

I have not an anſwer to my Letter of the 9th, covering the declaration ſigned here; but as I ſent a duplicate of it on the 10th, I muſt hear from Government either to-morrow or next day; if not, I ſhall conclude that both are intercepted, and enforce the Orders, though I hope the news from Hydrabad will induce all here to follow that example. I am ſure it would *if they believe it*, but there are doubts of ſome miſconception. I have private reaſon to believe that Captain Ginnys has changed his mind, and will ſign the declaration.

I have, &c.

Canannore,
Auguſt 20th, 1809.

(Signed) BEN. FORBES,
Lieut. Col. Commanding.

To Major-General Gowdie commanding the Army in Chief, Fort St. George.

Sir,

Seringapatam, 12th Auguſt 1809.

I have the honour to forward to you a Letter which I beg you will ſubmit to his Excellency Lord Minto; it relates to late occurrences. As it is open for your peruſal, I truſt you will excuſe my not entering further into this painful ſubject.

I have, &c.

(Signed) J. BELL, Lieut.-Col. ſenior Officer.

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c.
Fort St. George.

My Lord,

Seringapatam, 12th Auguſt 1809.

I am ſorry to inform your Lordſhip, that yeſterday, ſo contrary to the wiſh I had frequently expreſſed to Colonel Davis of avoiding bloodſhed, I was witneſs to a moſt diſtreſſing ſcene, without being able to avert the calamity.

The approach of ſome of the Company's Native Troops was deſcried at about eleven o'clock in the forenoon, harraſſed, and hard preſſed by a large body of Poornea's troops. I endeavoured to cover them by the guns of the Garriſon, but they ſtill proved too far off. I

[No. 2. F.] Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

was surprized shortly after to observe some European Cavalry and Infantry, who had arrived the evening before, advance towards them, and still more, when the former were said to have given the signal to the enemy to charge the Native Infantry, themselves joining in the general havoc, in a most determined and inhuman manner. The Sepoys were soon routed, and every man would probably have been put to the sword had not some of them found safety in a deep nullah; those made their escape to the Fort, and the wounded have been brought in.

These troops have proved to be part of the 1st of the 8th, and 1st of the 15th Native Infantry coming from Chittledroog. I have not yet been able to ascertain the number of casualties, but I fear they are above two hundred. The force employed against them is estimated at three thousand men, besides the Europeans.

Among the Officers, Captain M'Intosh of the 1st of the 8th is missing, and said to be wounded severely; every assistance has been afforded those unfortunate corps, and means taken to restore their confidence.

When the Europeans above mentioned arrived and encamped before this place, I endeavoured, by sending out the field officer of the day, to communicate with them, but to no purpose; and as they had taken up a position near one of the principal Fords, which made me suspicious of their intentions, I deemed it necessary to make them move off, by sending a few shells into their camp; I should, however, have avoided this act of hostility, had not the conduct of that force been outrageous in the morning; a circumstance which demonstrated their hostile determination, and which, for the safety of this place, obliged me to take these precautions.

The force moved off this evening towards Bangalore, but probably only with the intention of crossing over to Mysore.

It is not for me to comment on these transactions. I have merely stated facts for your Excellency's information; but I cannot help repeating my astonishment at Colonel Davis's conduct towards me, after I had signed the Declaration and assured him to obey any legal Order, and thus persevering in forcing the Garrison to extremity by every means in his power, and not even replying to my Letters.

I wait your Excellency's arrival at Madras with impatience, that I may learn what course I am to pursue.

I have before had the honour to state to your Lordship the occurrences which have taken place here, but as the regular course of the Tappal has been interrupted your Excellency may not have received my communications.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,
(Signed) J. BELL, Lieut.-Col. senior Officer.

To Major-General Gowdie, commanding the Army in Chief, Fort St. George.

Sir,

I have the honour to enclose a Letter which I beg you will submit to his Excellency the Governor General on his arrival at the Presidency; it is left open for your perusal and consideration.

I likewise cover copies of a Dispatch; I thought it expedient to send direct to his Excellency on the 14th instant, under the impression that all Letters which were sent to that address may be detained at Mysore or in Camp; a measure I believe adopted towards us, as well in regard to Letters from as coming to that Garrison.

Seringapatam, 17th August 1809. I have the honour to be, &c.
(Signed) J. BELL, Lieut.-Col. senior Officer.

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c.

My Lord, Seringapatam, August 17, 1809.

I had the honour to address your Lordship on the 14th instant, giving a statement of the affair which happened near this Garrison, in which the 1st battalion 8th regiment, and 1st battalion 15th Native Infantry were routed and cut up by Poorneah's Horse, and a part of His Majesty's 25th Light Dragoons; but owing to the inevitable confusion, and the straggling manner in which corps came in, I was unable to obtain correct Returns of them to forward with that Dispatch for your Excelleney's information. I now have the honour to enclose one of each corps; by which it appears that 937 men, including Native commissioned and non-commissioned Officers have escaped from the slaughter of that day, including 171 who were brought in wounded, of whom, however, three are since dead and five recovered.

The men of these corps have been armed and equipped in the best practicable manner under existing circumstances, and are now doing duty in that Garrison; but I am apprehensive, after what has happened, that they will never meet His Majesty's 25th Light Dragoons on friendly terms.

I had feared this; and had Colonel Davis been pleased to concert with me, I should have stated to him the danger and inexpediency of the measure adopted to arrest the progress of those corps immediately under the guns of a strong Garrison.

In addition to what I stated to your Excellency in my last Letter, as to who had commenced hostilities on that unfortunate day, I beg to observe, as a proof of the aggression having been on the part of the Dragoons, that the Sepoys all complain that their Officers had forbidden their firing; and attributed to it their present sufferings; and further since been informed that not a man or horse of the Dragoons was hurt on the occasion, a circumstance which alone shews that they were not fired on by the *two battalions* of Sepoys at the onset.

I also

[No. 2. F.] Enclosure No. 43. in Gen. Letter, Secret Dep. 10th Sept. 1809.

I also omitted in my former Dispatch to state to your Lordship that the troops of this Garrison were fired upon by the Camp outside on the morning of the 11th, while their advance was employed against the two battalions, which encampment might have been readily destroyed by us, had we been disposed to a situation.*

I trust your Excellency will give these particulars your consideration, and that on your arrival at the Presidency your Lordship will pursue such measures as your wisdom may dictate to restore the minds of the Army to their wonted tranquillity, if it is still possible to accomplish it; which alone can ensure to the British Empire its Eastern possessions.

I have the honour to be, &c.

(Signed) J. BELL, Lieut.-Col. senior Officer.

* *Quere.* Retaliation.

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

My Lord, Seringapatam, 15th August 1809.

Since I had the honour to address your Lordship on the 12th instant, I received a Letter from Colonel Gibbs, of which No. 1 enclosed is a copy. The note alluded to therein was sent in by the Field Officer of the day, on the morning of the 11th, soliciting a conference with the Officer commanding the force which encamped under the guns of the Island, but which had not then been listened to.

Although the movement of that force several miles off did away the immediate object of the conference, I thought it expedient that two officers should meet those sent by Colonel Davis, as well to inform the officers of that force of my intention to maintain this Garrison until I should be honoured by your Lordship's commands, as to explain why their camp had been fired on on the night of the 11th, and to assure those Officers of my earnest wish that no blood should be spilt.

The Officers selected for this meeting by Colonel Davis, were Lieutenant-Colonel Gibbs, of His Majesty's 59th, and Lieutenant-Colonel Adams, of His Majesty's 25th Light Dragoons: those by this Garrison, Lieutenant-Colonel Munro, of the 2d battalion 15th Native Infantry, and Captain De Havilland, of the Engineers.

In the interim, the Officers of the corps lately routed had drawn up a statement of the unfortunate circumstances before related to your Lordship, as seen from the walls of the Garrison, which paper was given to Lieutenant-Colonels Gibbs and Adams; and Lieutenant-Colonel Gibbs, who commanded the European troops on that occasion, returned a statement of his own, which he signed, and pledged his honour to. Copies of these two papers are here enclosed for your Lordship's consideration; and although at first view they do not appear to coincide exactly, it may be taken for granted that the intentions of both parties were not to give the *first blow*, nor will it perhaps ever be determined which actually did. It may be a question, whether what Mr. Jeffries heard in a scene of such confusion was *to fire, or not to fire*: at the same time Mr. Jeffries' wound stands on evidence; but he might have received that wound *accidentally*, either from the Sepoys, or from Poorneah's people. One thing is, however, certain, that had the Europeans not *appeared*, the Silladar Horse would not have successfully cut in upon the battalions.

It may also be added, that it is almost impossible that two armed forces should ever come in contact without striking a blow, however disposed they may be to avoid it, particularly when almost under the guns of the Garrison, which, under every circumstance, was the most improper to attempt stopping the progress of those corps. I have before lamented the catastrophe; but I hope whatever might have been the views of the Madras Government, it was not to see any of the blood of the troops shed; and that a repetition of such scenes will never occur.

I shall add, that at the same time Lieutenant-Colonels Gibbs and Adams have been informed of my determination, they have been impressed with my wish not to spill blood; and hope that as far as it may lie in the power of those Officers to prevent it, no aggression will be offered by that force until your Excellency's orders have been received. The Myforeans on the other side still continue their preparations for an attack; but I trust my firm resistance in this instance will prove a lesson to them never to attempt it again; and will shew them, that even in its dilapidated state, Seringapatam is not to be taken by a native power or competent British Garrison. I need not awaken your Excellency to the consequences of my being disappointed in this expectation of holding out this Fort: once taken by them, the Myforeans would never hesitate attempting its capture again, whenever it suited their purpose, and it is possible, that with the confidence thus attained they might be successful, whatever was done to the fortifications.

It is not easy for me to express my solicitude for your Excellency's arrival, on that account in particular.

I have the honour to enclose, for your Lordship's information, a return of the details of the 1st 8th, and 1st 15th Native Infantry, which have made their way into this Garrison; and copies of my former communications. It is needless for me here to repeat, that my reason for addressing your Lordship direct is Colonel Davis's having declined any further correspondence with me. I have the honour to be, &c. &c.

(Signed) J. BELL, Lieut. Col. Senior Officer.

[No. 2. F.] Enclosure No. 43, in Gen. Letter, Secret Dep. 20th Sept. 1809.

We, the Officers of the 1st, 8th, 11th, and 13th, having heard that a groſs miſrepreſentation of the affair of the 11th has been circulated, conceive it proper to make a full ſtatement of facts.

On our march from Chittledroog to this place we fell in with a large body of Poorneah's horſe, who ſaid they had orders to prevent our farther progreſs; but as our determination was fixed to reach this place, we told them plainly and clearly what the conſequences would be if they attempted to ſtop us; they aſſured us in return that they did not wiſh to have recourſe to hoſtile meaſures. Their actions, too, ſhewed evidently that they did not, although they certainly remained near us conſtantly. On the morning of the 3d day after firſt falling in with them, and within ſight of Seringapatam, juſt as the corps had paſſed a little village beyond the French Rocks, they cut in upon our baggage, and wounded ſome people without the ſmalleſt provocation on our ſide; upon which we inſtantly prepared for our own defence, and to get into Seringapatam as ſoon as poſſible. From this while, till within a mile or two of the above place, we were conſtantly fired upon by the horſemen, which of courſe was returned. We had now every favourable proſpect of reaching Seringapatam without much loſs, (excepting the baggage) when the 25th Dragoons ſhewed themſelves on the riſing ground. Immediately ſome of their Officers were ſeen to join a large body of Horſe on our left, and after a ſhort conference galloped off to their own regiment, when the Horſe and Dragoons immediately poured down on our rear. Very ſhortly before this, Lieutenant Walker held out a little flag, and approached an officer of Dragoons, who ſeemed to come forward to meet him, but without any flag that we could ſee. However, before they could come together, the Dragoon Officer made off, and joined the party of the enemy in the rear, conſiſting of Poorneah's Horſe and the 25th Dragoons, when they inſtantly commenced cutting up our men, who were about this time completely exhauſted with fatigue, although they ſtill kept up a light fire on the horſe. The Dragoons were never fired upon until they joined the Horſe, and were in the act of hoſtility.

(Signed) 1ſt Battalion 8th infantry, Lieutenant Cha^{s} Walker; Captain E. Edwards; Lieutenants D. Carſlain, H. Degraves, W^{m} Geo. Page, Henry Swaine, A. Denny; Enſign J. B. Berry.—15th Regiment, Captain F. K. Aiſkill; Lieutenant E. Craſter; Enſign W^{m} Eyles; Lieutenant E. F. Hilgame; Enſign Cha^{s} Snell.

A true copy. (Signed) GEO. CADELL, Town-Major.

Colonel Gibbs's Statement.

At about eleven o'clock on the 11th inſtant I went forward with the advance of a ſquadron of Dragoons, and the light companies of His Majeſty's 59th and 6th, with the determined reſolution of ſtopping bloodſhed if poſſible; that on ſeeing the columns preſſed and harraſſed by Poorneah's Horſe, I preſſed forward, but was ſtopped by a very deep watercourſe. I then directed Major Carden to go down to the Fort with two ſquadrons (one having ſince joined,) and if poſſible to overtake the column, directing Lieutenant Jeffries to puſh on with a white flag, to inform the Officers commanding the corps that I could not ſuffer them to proceed to Seringapatam, but only aſked of them to return to Chittledroog. Major Carden did proceed with the utmoſt diſpatch; and Lieutenant Jeffries reports to me, that puſhing forward with a white flag into the column, the Sepoys *ſalamed* to him, but that an European Officer ordered ſome Sepoys to fire, and he, Lieutenant Jeffries was wounded in the face, upon this the Silladar Horſe ruſhed forward, as did the Dragoons on ſeeing their Officer wounded.

During this operation, I was myſelf advancing with the two flank-companies of His Majeſty's 59th regiment, endeavouring to head the column with the ſame* of being preceded by a flag of truce.

* Sic Orig.

Finding myſelf ſtopped by a deep nullah impaſſable for the infantry, I ſwam my horſe acroſs, but it was too late.

At the 4th mile-ſtone, Bangalore road, August 14, 1809, 11 P. M.

(Signed) S. GIBBS, Commanding 59th regiment.

STATE

STATE of the 1ſt Battalion 8th Regiment Native Infantry, Seringapatam, 15th Auguſt 1809.

Diſtribution.	Captains.	Lieutenants.	Enſigns.	Adjutant.	Aſſiſtant Adjt.	Serjeant Major.	Subidars.	Jemidars.	Havildars.	Naigues.	Drummers.	Puckallies.	Sepoys.	Sepoy Recruits.
Preſent for duty. Grenadier Company	1	1	1	- -	- -	- -	1	- -	2	3	2	- -	38	2
1ſt Battalion - -	- -	1	- -	- -	- -	- -	- -	1	4	3	- -	1	43	7
2d D° - - -	- -	- -	- -	- -	- -	- -	1	- -	5	3	1	1	36	2
3d D° - - -	- -	1	- -	- -	- -	- -	- -	- -	1	4	1	1	43	2
4th D° - - -	- -	1	- -	- -	- -	- -	- -	1	3	5	2	1	40	2
5th D° - - -	- -	- -	- -	- -	1	1	- -	- -	- -	- -	- -	- -	- -	—
6th D° - - -	- -	1	1	1	- -	- -	- -	- -	- -	- -	- -	- -	3	1
7th D° - - -	- -	1	- -	- -	- -	- -	- -	1	3	2	2	1	46	9
8th D° - - -	- -	1	- -	- -	- -	- -	- -	1	3	5	2	1	47	9
Light Company -	- -	1	1	- -	- -	- -	1	1	5	4	2	1	47	3
Total - - -	1	8	3	1	1	1	4	5	26	29	12	7	343	37
Wounded - - - -	- -	- -	- -	- -	- -	- -	- -	1	1	1	- -	- -	31	—
Sick, preſent - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	—
Total - - -	1	8	3	1	1	1	4	6	27	30	12	7	374	37
Killed - - - -	- -	1	- -	- -	- -	- -	- -	1	2	- -	- -	- -	3	—
Miſſing - - - -	1	- -	- -	- -	- -	- -	- -	- -	3	3	1	1	146	12
Grand TOTAL - -	2	9	3	1	1	1	4	7	32	33	13	8	523	49

N. B. Of the miſſing none are ſuppoſed to be killed or wounded.

(Signed) A. McDOWAL,
Major in charge of the details.

STATE of the 1ſt Battalion 15th Regiment Native Infantry, Seringapatam, 16th Auguſt 1809.

Diſtribution.	Captains.	Lieutenants.	Enſigns.	Adjutant.	Aſſiſtant Adjt.	Serjeant Major.	Subidars.	Jemidars.	Havildars.	Naigues.	Drummers.	Puckallies.	Sepoys.	Sepoy Recruits.
Preſent for duty. Grenadier Company	- -	1	- -	1	- -	- -	1	- -	4	2	2	1	46	1
1ſt Battalion - -	- -	- -	1	- -	- -	- -	1	- -	2	3	2	- -	43	—
2d D° - - -	- -	- -	- -	- -	- -	- -	- -	1	1	3	- -	1	43	—
3d D° - - -	- -	- -	1	- -	- -	- -	1	1	1	1	- -	- -	23	—
4th D° - - -	- -	- -	1	- -	- -	- -	1	1	3	1	- -	1	37	—
5th D° - - -	- -	- -	1	- -	- -	- -	1	1	- -	1	1	- -	38	—
6th D° - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	1	3	- -	14	—
Light Infantry -	1	1	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	17	—
Total - - -	1	2	4	1	- -	- -	5	4	11	12	7	3	263	1
Wounded - - - -	- -	- -	- -	- -	- -	- -	1	1	8	8	- -	1	100	—
Sick, preſent - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	—
Total - - -	1	2	4	1	- -	- -	6	5	19	20	7	4	375	—
Killed - - - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	3	—
Miſſing - - - -	- -	- -	- -	- -	- -	1	1	1	3	6	1	1	100	1
TOTAL - -	1	2	4	1	- -	1	7	6	22	26	8	5	478	1

Seven Artificers preſent.

One ditto abſent.

N. B. Among the miſſing many are ſuppoſed to be killed or wounded.

(Signed) A. McDOWALL,
Major in charge of the details.

[No. 2. F.]
Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Sir, Fort St. George, 3d September 1809.

The President's Secret Minute of the 10th of August will have informed you that it was in contemplation to change the destination of the Regiment ordered from Goa from Mysore to Bellary, for the reasons stated in that Minute.

Instructions have been consequently conveyed to the Envoy at Goa, who has directed His Majesty's 86th Regiment to march upon Gooty. The Regiment has arrived at Hullial, where it will halt several days to procure cattle, &c. and will pass through a part of the Mysore territory on its route to the Ceded Districts.

I am directed to request that you will, in conjunction with the Resident, take steps to afford any assistance which the Regiment may require in completing its equipment.

You have been already apprised of the march of 300 men of His Majesty's 12th Regiment from Trichinopoly towards Mysore.

As the reduction of the rebellious Garrison of Seringapatam, and the change in the general sitaation of affairs, no longer render their presence necessary in Mysore, I am directed to request that you will communicate to the Officer commanding that detachment, instructions to march upon the receipt of your order by the most direct route to Wallajahbad, reporting his progress to the Officer commanding the centre division, and to me for the information of the honourable the Governor.

Lieut.-Col. Davis, I have the honour to be, &c.
&c. &c. &c. (Signed) R. BARCLAY, M. S.

Sir, Fort St. George, 20th September 1809.

I have the honour to acknowledge the receipt of your Letter of the 29th of August.

I have laid it before the honourable the Governor; and I am directed to acquaint you that for the reasons assigned he approves of the orders which you have given for bringing down to Seringapatam eight companies of the 1st battalion 3d regiment from Naggin and Hullial.

Sir George Barlow will readily sanction any arrangement which you may make for keeping the 5th regiment of Cavalry attached to the 25th Dragoons, and the 2d battalion 3d regiment attached to the 59th regiment, as long as you may deem useful, and the exigencies of the service will permit; perhaps keeping them brigaded will be a good way of effecting the desirable purpose which you have in view.

I have written to the acting Resident to-day, to request that he will make the necessary arrangements with the Dewan, for the march of 1,500 of his Highness the Rajah of Mysore's Silladar Horse to join the troops now marching under Lieutenant-Colonel Conran's command upon Gooty; and I am directed by Sir George Barlow to request you will lend your assistance towards the expediting of this very desirable measure.

Lieut.-Col. Davis, I have the honour to be, &c. &c.
&c. &c. &c. (Signed) ROBERT BARCLAY, M. S.

To the honourable A. H. Cole, acting Resident.

Sir,

I am directed by the honourable the Governor to request that you will make the necessary arrangements with the Dewan of Mysore for the march, with as little delay as possible, of 1,500 of his Highness's Silladar Horse, to join the troops under Lieutenant-Colonel Conran's command, now marching upon Gooty.

Fort St. George, I have the honour to be, &c. &c.
2d September 1809. (Signed) R. BARCLAY, M. S.

To Lieutenant-Colonel Barclay, Military Secretary.

Sir,

I have the honour to transmit a Letter from Captain Webster, late Assistant Adjutant General in this Division, which I request you will lay before the honourable the Governor.

I believe all the circumstances stated in the inclosed to be perfectly correct; and I beg leave to recommend Captain Webster most strongly to the favourable consideration and clemency of the honourable the Governor.

During the time that Captain Webster held his late situation, he conducted the duties of it in a manner highly creditable to himself, and greatly to the advantage of the public service. My knowledge of Captain Webster's character enables me to assure the honourable the Governor, that nothing but a mistaken feeling towards his brother Officers could have influenced him to refuse his signature in the first instance to the Pledge of Allegiance required by Government,

Under these circumstances, perhaps, the honourable the Governor may be pleased to extend his clemency, so far as to permit Captain Webster to return to his duties as Assistant Adjutant General of this Division. I have the honour to be, &c. &c.

Mysore, (Signed) H. DAVIS,
1st September 1809. Lieutenant-Colonel, Mysore.

(Copy.) To Colonel Davis, commanding the Troops in Mysore, &c. &c. &c.

Sir, Bangalore, 30th August 1809.

In addressing you on the subject of my own situation, it were needless in me to detail the circumstances which forced me to the adoption of that step which has removed me from the

Staff

[No. 2. F.]
Enclosure No. 43, in Gen. Letter, Secret Dep. 10th Sept. 1809.

Staff of the Myſore Diviſion; they are well known to you; and I feel ſatisfied that in repreſenting my caſe to Government, you will do me every juſtice; but I conſider it a duty to myſelf to draw up a ſtatement, under my own hand, of facts, ſetting forth the motives by which I was actuated, for the information of the honourable the Governor in Council, in whoſe hands reſts the power of reſtoring me to the ſituation I recently held, and on whoſe opinion and judgment reſpecting my conduct depend my preſent as well as my future proſpects in the ſervice.

As an individual of a very large portion of the Officers of the Army who have omitted to ſign the Pledge of Obedience to Government, I ſhould not feel myſelf at liberty to trouble the Governor in Council with an Addreſs on the ſubject of my own particular caſe, did I not conſider the circumſtance of a peculiar nature, and of ſingular difficulty, not unworthy of the attention of that power that attended it, and thoſe of a nature as mitigating of that Officer as can well be adduced.

Sic Orig.

I believe you are convinced that I was never engaged in any of the factious proceedings of the Army; and that my name has never appeared to any of the Memorials or Addreſſes which have met with the diſpleaſure of Government. You are the beſt judge of, and can beſt explain to the Hon. the Governor in Council, the manner in which the duties of my public ſituation were conducted during the continuance of theſe times of faction whilſt I continued to act; and I truſt you are aware of the pain with which I receded from thoſe duties, a ſtep which was at once ſo deſtructive of my own intereſt and hurtful to my feelings. It is my object to ſhew that motives of honour, acting upon a mind diſtreſſed with an unmerited load of accuſation, and the ſuſpicions of my brother Officers, were the dictates of my conſcience.

The circumſtance of my being in a confidential ſituation on your perſonal Staff, under the knowledge which the Officers of the Garriſon of Seringapatam had of your determination to ſupport the Government againſt any attempt they might make in oppoſition to it, was probably the ground of their miſtruſt in me, although it began at a time when meaſures of conciliation only had been adopted: but the ſubſequent ſteps which you found it neceſſary to purſue (in the execution of which I neceſſarily had an active part) rooted their enmity, and I found myſelf become a marked character for the vengeance of the diſaffected party; not conſidered merely as one who entertained a different opinion from themſelves, and unwilling to take a part in their proceedings, but ſuſpected of being engaged in underhand plots againſt them, which threatened, in their minds, the ruin of the ſervice of which I am myſelf a member. The miſtruſt of every thing I communicated by your Orders to the Officers in Seringapatam, at the meeting called by you on the 30th ult. firſt opened my eyes to the light in which I ſtood in their opinion; and the communication officially made to me by the Town-Major, when I was with yourſelf a priſoner in their hands, that I muſt not go beyond the confines of the houſe in which I lived, confirmed the fact, that I was ſuſpected of acting a treacherous part, becauſe this took place at a time when your endeavours, aided by mine, pointed only at tranquillizing their minds reſpecting ſome falſe reports they had heard, of an intention to ſeize them, and ſeparate them from their men. This, however, did not determine me on the ſtep I ſubſequently adopted; but when I received an anonymous Letter, calling upon me to reſign my ſituation and immediately join them, and when I was informed of the danger in which I ſtood if I ſhould ever again attempt to go upon the iſland of Seringapatam in my official capacity, I could no longer have any doubts of the lengths to which their inveteracy had gone; and I reſolved to vindicate my character in the eyes of the Army by receding from the duties of my ſituation; for although the accuſations and ſuſpicions which were caſt upon me were then confined to the Officers in Seringapatam, the ſame infatuation, I conceived, would ſoon ſpread with increaſed violence through other parts, and ultimately communicate its contagious influence to the whole Army. A conſideration alſo that their miſtruſt of me might retard the ſucceſs of any further pacific communications between you and the Officers in Seringapatam, in which I might be employed, was an additional inducement to me to withdraw myſelf from a ſcene in which I had become ſo obnoxious to the one party, and my feelings thereby too acutely wounded to be of eſſential aſſiſtance to the other.

My Letter to you of the 24th inſtant, conveyed my wiſh to become a ſubſcriber to the pledge of obedience to the orders of Government; and although the return to their allegiance of the officers in Seringapatam was the immediate cauſe of my offering my ſignature to that obligation, it will not be conſidered that their example has been my guide in any ſtep. My having diſcontinued in hoſtility to the Government will ſhew them and my other brother Officers, that the character of treachery with which they branded me was unmerited; and my offer to return to my duty the moment I found myſelf relieved of that load, will, I truſt, prove to the Hon. the Governor in Council that a diſpoſition to loyalty was not wanting in me from the beginning, although evidence of it was retarded by circumſtances which, in a Military life, can ſcarcely be reſiſted.

A conviction of the rectitude of my own conduct, when viewed under the circumſtances which attended it, gives me a ſanguine hope of being permitted, without blemiſh to my character in the eyes of the Hon. the Governor in Council, to return to my ſituation in the Staff of the Myſore Diviſion.

(Signed) THOS WEBSTER,
Capt. 4th reg. N. I.

[No. 2. F.]
Enclosure No. 43 in Gen. Letter, Secret Dep. 10th Sept. 1809.

Alexander Falconar, Esq. Chief Secretary to Government, Fort St. George.

Sir,

The Officers and troops compoſing the late Garriſon of Seringapatam having been marched to ſome diſtance previous to the receipt of your Letter of the 26th inſtant, unavoidable delay has occurred in carrying the Orders of the honourable the Governor in Council into execution.

The encloſed papers will explain to the honourable the Governor in Council the courſe of proceeding which it is intended ſhould be adopted towards the late Garriſon. The abſence of poſitive inſtructions made me heſitate for ſome time whether I ſhould immediately reſtore the arms, or await ſomething ſpecific on that head from Government; but a conſideration of the unpleaſant ſituation in which His Majeſty's Officers would be placed if ſent to command an unarmed rabble, and in belief that theſe men have been but partially and unknowingly implicated in the practices of their Officers, has determined me to grant them a proportion of their arms.

I have ordered all the Officers in command of corps in cloſe arreſt, and ſuch others as have been reported to me as particularly active during the rebellion. The Committee of Safety was repeatedly changed; and it has not been poſſible for me to aſcertain the names of thoſe who at different times compoſed it.

The honourable the Governor in Council will be aware that it is quite impracticable for me to obtain at preſent any accurate information as to the degree in which theſe troops were willingly engaged in the ſeditious practices of their Officers: only one channel is open by which information can be obtained, viz. the aſſertions of the parties concerned. There can be no doubt that the men implicitly obeyed the orders of their Officers; and it is equally certain that the moſt inſidious arts were employed to pervert the minds of the men. It has been reported, that conſiderable pains were taken to induce the detachment of Artillery to believe that it was the intention of Government to ſend them on board ſhip as Marines in the firſt inſtance, and afterwards to land them on ſome of the Eaſtern Iſlands; and that part of H. M. Royal Artillery were to replace them on the coaſt. The occurrence at Maſulipatam gave an appearance of probability to this abſurd report, which it would otherwiſe have wanted, and it may have aided conſiderably in bringing the men into the deſigns of their Officers.

The troops will remain at their preſent ſtations until I receive further inſtructions from the honourable the Governor in Council.

I hope I ſhall be excuſed in again ſuggeſting to the honourable the Governor in Council the propriety of theſe men being immediately removed from the Myſore territory.

Myſore, 3d September.

I have the honour to be, &c. &c.
(Signed) HENRY DAVIS, Lieut. Col. Myſore.

To Captain Creighton, of His Majeſty's 59th Regiment.

Sir,

On the receipt of this, you will loſe no time in proceeding to Coongul, taking with you a ſerjeant's guard from H. M. 59th regiment, and a proportion of arms, which will be delivered to you from the arſenal of Seringapatam. On your arrival at Coongul, you will be pleaſed to take upon yourſelf the command of the detachment of Artillery on that ſtation; you will then be pleaſed to place the under-mentioned Officers in cloſe arreſt, and cauſe them to be marched off under a guard to Seringapatam.

Lieutenant-Colonel John Bell,
Captain W. G. Pearce,
Lieutenant Mackintoſh,
Enſign James Clemons.

So ſoon as you ſhall have executed this part of your inſtructions, you will place all the other Officers in arreſt, and to direct them to march to Amicut, firſt taking from them a Pledge, upon their honour, that they will not leave the ſtation aſſigned for their reſidence, nor make any attempts adverſe to the intereſt or authority of the Government.

Encloſed is an Order ſigned by me, which you will cauſe to be read and explained at the head of the detachment; you will then diſtribute the arms to the non-commiſſioned officers and privates, taking care to impreſs on their minds my firm determination to inflict the moſt exemplary puniſhment on the ſlighteſt complaint which may come from you of diſorderly conduct on their part. Lieutenant Keir, of H. M. 25th Dragoons, has been directed to place himſelf under Orders, and to act as Adjutant to the Detachment.

You will remain in charge until further Orders.

The Surgeon is to remain in charge of the detachment.

A party of Silladar Horſe has been directed to attend; you will tranſmit a report to me of your proceedings by one of the party.

A true copy.

(Signed) H. DAVIS, Lieut. Col.

To Captain Olphert of His Majeſty's 59th Regiment.

Sir,

You will loſe no time after the receipt of this in proceeding to Melyottah, taking with you a ſerjeant's guard from H. M. 59th regiment, and 300 ſtand of arms, which will be delivered to you from the arſenal of Seringapatam. On your arrival at Melyottah, you will take upon yourſelf the command of the Native battalion at that ſtation; you will then be pleaſed to

place

[No. 2. F.]
Enclosures No. 43. in Gen. Letter, Secret Dep. 13th Sept. 1809.

place the under-mentioned Officers in close arrest, and cause them to be marched off, under a guard to Seringapatam.

Captain Edwards,
Captain Aiskell,
Lieutenant Patishall.

So soon as you shall have executed this part of your instructions, you will place all the other Officers in arrest, and direct them to march without delay to Annicut, first taking from them a Pledge, upon their honour, that they will not leave the station assigned for their residence, nor make any attempts adverse to the interest or authority of the Government, until further orders. Enclosed are Letters which you will deliver to the two senior Subidars of the respective corps. After they shall have read and explained the contents to the Native Officers and Sepoys, you will cause the arms which accompany you to be distributed to a proportion of the troops, informing them at the same time that the remainder will be sent the moment carriage can be provided for their conveyance. Ensign Maloney, of H. M. 80th regiment, and Mr. Stepeney will act as Adjutant to the 1st battalion of the 8th, and Ensign Maloney to the 1st of the 15th.

The Surgeon will remain in charge of the battalions.

A true Copy. H. DAVIS, Lieut. Col.

The same to Captain Bower of His Majesty's 59th Regiment, and Lieut. State of His Majesty's 26th Dragoons, Subidar.

The European Officers belonging to the 1st battalion of the 8th regiment having been guilty of rebellious practices against the Government under which they serve, I have received commands to remove them from the said battalion, and to keep them in arrest until further orders. Being persuaded, from the fidelity and good conduct which have for so long a time distinguished the Native troops, that the Native Officers and men of your battalion did not knowingly participate in the guilt of their European Officers, I have determined to restore the arms which were taken from the Sepoys when at Seringapatam, a part now, and the remainder the moment carriage can be provided for their conveyance.

I have appointed Captain Olphert, of His Majesty's 59th regiment, to command the 1st battalion of the 8th regiment, and Mr. Stepeney to act as Adjutant to the same. You will explain this to the Native Officers and Sepoys, and desire them to yield a ready obedience to all the orders which Captain Olphert may give them, and to conduct themselves in a quiet and orderly manner, so that the disgrace which these battalions have incurred from their late conduct may be wiped away.

A true Copy. (Signed) H. DAVIS, Lieut. Col.

The same to the Subidar of the 1st battalion of the 15th regiment.
The same to the Subidar of the 2d battalion of the 19th regiment.
The same to the Subidar of the 2d battalion of the 15th regiment.

List of those Officers who are to be placed under close arrest:

Lieut. Col. Bell, Artillery; Captain-Lieut. Pearce, D°; Lieut. M°Intosh, D°; Ensign Clemons, D°; Captain M°Intosh, 1st 8th N. I.; Captain Aiskell, 1st 15th D°; Captain Edwards, 18th D°; Lieut. Patishall, 11th 15th D°; Lieut. Col. Munro, 2d 15th D°; Major M° Dowall; Captain Turner; Lieut. Papier; Major Renny, 2d 19th N. I.; Lieut. Wahab, D°, D°.

Head-Quarters, Mysore Division, September 3d, 1809.

Lieut. Col. Davis commanding the troops in Mysore, has received Orders from the hon. the Governor in Council of Fort St. George to remove the Officers from the detachment of Artillery, and to keep them in arrest until further orders. The Lieut.-Col. is willing to believe that the Non-commissioned Officers and Privates of the Artillery did not wilfully participate in the guilt attributed to their officers, and he has, in consequence, determined to restore to them their arms. Captain Creighton of His Majesty's 59th regiment has been appointed by Lieut.-Col. Davis to command the detachment, and Lieut. Keir of his Majesty's 25th Dragoons has been appointed to act as Adjutant to it. The Lieut.-Col. commands the Non-commissioned Officers and Privates to yield a ready obedience to all orders which they may receive from the above-mentioned Officer. He commands them to behave themselves in a manner becoming good soldiers, and to endeavour by future good conduct to wipe out the stigma which now attaches to their character by the united voice of their comrades. The Lieut.-Col. takes the opportunity to acquaint the detachment that it is his inflexible determination to inflict signal and severe punishments on any proceeding contrary to good order and discipline which may be reported to him by the Officers appointed to command it.

(A true Copy.)

(Signed) H. DAVIS,
Lieutenant-Colonel, Mysore.

[No. 2. F.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

VIZ.

Further ENCLOSURES in the General Letter of 10th September 1809, from the GOVERNOR IN COUNCIL at Fort St. George, to the SECRET COMMITTEE of the Court of Directors.

Ordered, by The House of Commons, *to be printed,*
25*th May* 1810.

[No. 3.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copies of LETTERS from the Chief Secretary of the Government of Fort St. George, to the Secretary of the East India Company, in the SECRET DEPARTMENT; dated the 27th May, and 28th and 29th June, 1809:— With their Enclosures.

Received via Bengal, 10th April 1810.

Ordered, by The House of Commons, *to be printed,* 25th *May* 1810.

(Secret Department.)

Mr. Chief Sec. Falconer to Mr. Sec. Ramsay; 27 May 1809.

To William Ramsay, Esq.
Secretary to the Honourable the Secret Committee of
the Honourable the Court of Directors.

SIR,

FOR the information of the Honourable the Secret Committee, I am directed herewith to transmit the copy of a letter received from Major John De Morgan, of date 10th instant, in consequence of the General Orders published on the 1st instant.

I have the honour to be, Sir,
Your most obedient humble Servant,
A. FALCONER,
Chief Secy to Government.

Fort St. George,
the 27th May 1809.

(Enclosure.)

Enclosure in Chief Sec.'s Letter, 27 May 1809.

To the Chief Secretary to Government, Fort St. George.

SIR,

I have the honour to address you, in consequence of the Government Order of the 1st May, by which I received the first intimation of my suspension from the Honourable Company's service; that what I have to advance may be laid before the Honourable the Governor in Council, as a silence on the subject would naturally carry the appearance of a tacit acquiescence in the justice of a measure, which my own feelings, integrity of conduct, and a due fidelity shewn by me to the Honourable the Court of Directors, will not permit me to allow, however confident the Governor in Council may deem my conduct to merit such severe treatment from them.

The Government Order of the 1st May sets forth, "It has also been ascertained, that "Major John De Morgan has been active in the circulation of the Memorial." I will not presume to judge on the merits of the information on which Government have acted, but as no investigation has been ordered on my conduct, or the smallest chance given me to refute suspicion, (for on suspicion only can I rest my judgment, for the proceedings against me) but only the stroke of the pen at once deprives me for the present of a service I have now served near 19 years in; and to those who may not know the purity of my intentions, or the justness of my character, disgrace may be attached to it.

It is not for me here to dispute the pleasure of a Government, however severely they may act upon any Individual; but as I am the Individual selected for marked severity, I trust

[No. 3.] Enclosure in Chief Sec.'s Letter, 27 May 1809.

I am justified in stepping forward in behalf of myself—I feel myself the injured person, and a severe wound has been attempted to be inflicted on me; and surely I have a right, as a man, independent of my being a British subject, to endeavour to remove the weapon that may be again turned against me, or some other innocent person.

If I had the smallest reason to reproach myself, I should possibly be abject in my endeavours to defend myself; but as I feel I have honour, integrity and truth, and a pure respect for the profession of a Soldier on my side, I can without fear, face my bittereſt enemy; for in this case, some secret one must have been hard at work to ruin me, in as far as their diabolical means can effect it. But I can pardon him, and may God forgive him.

If I have to regret any thing, it must be my being so conspicuously brought into notice, as my desire has been to be as retired as the nature of my profession and situation would admit.

I take no merit upon myself for being this supposed active personage, and if I thought my word would be credited after so decided a part taken against me, I would deny that I have taken this active part, and would even say that I knew not a Memorial to the Governor General was in circulation until I received it; but having signed it, upon the full conviction of its justice, I could have no hesitation, without having the character of a hypocrite attached to me, in transmitting it to where I was directed.

I have never yet, at least for many years, been ashamed to deny my acts, and, if what I have advanced bears the imputation of an active personage in circulating the Memorial, for which only I am suspended, I admit it fully, and will abide the pleasure of the Honourable the Court of Directors, whose known liberality I am not ignorant of, and to whose decision I shall cheerfully bow.

When I may say I am the only remaining branch of a large family who have served the Honourable Company, and many of them bled and died in it, and a father and brother fell in the execution of their duty against the enemies of their country, and that I do not feel myself to have disgraced them, this being the first instance of public reprehension on my conduct, it cannot be considered intemperate or impertinent for me to say, I can no longer feel that love for a service wherein I have now been so hardly used.

I wish not to excite the pity of the present Rulers, or the Governor in Council who have thus reduced me, but it may not be foreign to the nature of my case to endeavour to convince them, they may have been misinformed as to the intent of my activity. It is not for me to enter into the first cause that has given rise to the present painful difficulties, but I am free to confess, had the respectful application of an honourable body to remove the imputation of infamy (in as far as the betraying their trust implies it) that had been thrown on their characters, been attended to, I am convinced affection and zeal for the service would not have been destroyed.

I have the honour to remain with respect, Sir,
Your most obedient Servant,
(Signed) JOHN DE MORGAN,
Suspended Major, Coast Army.

Tillecherry,
10th May 1809.

(Secret Department.)

Mr. Chief Sec. Falconer to Mr. Sec. Ramsay; 28 June 1809.

To W. Ramsay, Esq.
Secretary to the Honourable the Secret Committee of
the Court of Directors.

Sir,

I AM directed by the Honourable the Governor in Council to transmit, for the information of the Honourable the Secret Committee of the Court of Directors, the Copy of a Dispatch from the Supreme Government, of date the 27th ultimo, upon the subject of the proceedings of this Government of 1st May 1809, which were transmitted on the 13th of that month to the Honourable the Secret Committee, by His Majesty's brig Virginia.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed) A. FALCONER,
Chief Secr to Govt.

Fort St. George,
28th June 1809.

Enclosure in Chief Sec.'s Letter, 28 June 1809.

To the Honourable Sir Geo. H. Barlow, Bart. and K. B.
Governor in Council, Fort St. George.

Honourable Sir,

We have the honour to acknowledge the receipt of your Dispatch, under date the 1st ult. enclosing Copies of a proposed Memorial to the Address of the Governor General from the Officers of the Army of your Establishment, and of an Address to Major Boles, the late Deputy Adjutant General, and reporting to us your proceedings with regard to the Officers who signed, and who were understood to have been principally concerned in preparing and obtaining signatures to those

[No. 3.]
Enclosure in Chief Sec.'s Letter, 28 June 1809.

thoſe illegal and ſeditious papers, and in actively encouraging or tacitly permitting and approving the prevalence of ſentiments, and the adoption of meaſures, ſubverſive of the firſt principles of ſubordination, and of the Conſtitution of the Britiſh Government in India as eſtabliſhed by Law.

2. The two papers which you have tranſmitted to us, and which have given occaſion to your late proceedings, bear ſo ſtrongly the character of bold and dangerous ſedition, and the principles which they profeſs, together with the habits and practices to which thoſe principles neceſſarily lead, are pregnant with conſequences ſo adverſe to the tranquillity and even to the ſecurity of theſe Provinces, as well as of all the Foreign Dominions of His Majeſty, that we cannot but commend the wiſe energy with which you have oppoſed, in the very outſet, the licentious ſpirit which dictated theſe documents, and of which too many other proofs have been recently afforded.

3. We have at the ſame time obſerved, with cordial ſatisfaction, the diſappointment of the few factious individuals who have taken the moſt conſpicuous part on this occaſion, in their endeavours to miſlead the Army at large, and in the hope which, without regard to the misfortune in which they were involving their aſſociates, they appear to have entertained of implicating the inexperienced members of their body in their own raſh projects, and all their calamitous conſequences.

4. They could, indeed, ſeduce the Coaſt Army from its duty only by deceiving it, and we can feel no reſentment againſt thoſe younger men, who, uninſtructed as they may naturally be in the juſt principles of the Military conſtitution, are more obnoxious to error both in judgment and conduct, when it is inculcated by the falſe reaſoning, and ſanctioned by the pernicious example, of their ſuperiors in age and authority.

5. Perſuaded as we are that any ill impreſſion which may have been made on the Army ſerving under the Preſidency of Fort St. George, may juſtly be imputed to the artful diſſemination of erroneous opinions and falſe theories concerning the relation which an Army bears to the State, and more particularly concerning that in which the Armies of the Eaſt India Company have been placed by the Law and Conſtitution of this part of the Empire, with reſpect to the local Governments under which they reſpectively ſerve, we entertain a ſanguine hope that the promulgation of ſounder principles on theſe ſubjects may check the progreſs of error, and effectually defeat the miſchievous deſigns of factious men, while it may relieve you from the painful neceſſity of extending beyond themſelves the controul of ſeverity and coercion.

6. The ſubordination of Military bodies to the State is a propoſition too well eſtabliſhed, and too univerſally underſtood, to have been plainly and diſtinctly queſtioned in any quarter; but it has been ſubſtantially diſowned by the preſent agitators of the Coaſt Army, inaſmuch as they have conteſted and denied the conſequences which neceſſarily reſult from that fundamental truth.

7. The arms which are placed in the hands of an Army are not given to them for any purpoſe of their own. They are a truſt; and as ſuch are accepted by themſelves, in order to fight the battles of their country, and promote the ſervice of the public, under the direction and command of the Sovereign and his Government. Theſe are not only the purpoſes, but they are the ſole purpoſes, to which the arms, or, to ſpeak more generally, the power of an Army may legally be applied: any other employment of the force with which military bodies are inveſted—any attempt to promote views of their own; to enforce pretenſions, juſt or unjuſt; or to redreſs grievances, real or pretended, whether of individuals or of the body at large, either by the direct uſe of their arms, or even by the influence attached to the poſſeſſion of them; is not merely the breach of a ſacred truſt, but a poſitive and flagrant crime.

8. From this general and indiſputable propoſition it follows, that military combinations are forbidden, becauſe the character of compulſion and menace is inſeparable from the united and concerted demands of armed bodies.

9. This argument would be miſrepreſented if it were ſtated to infer that military men have no rights, or have no means of bringing their intereſts under the conſideration of the Authorities competent to provide for them.

10. There

[No. 3.]
Enclosure in Chief Sec.'s Letter, 28 June 1809.

10. There is not an individual in the moſt numerous Armies who does not poſſeſs regular and adequate means to advance any juſt and reaſonable claim, or to obtain redreſs for any injury that may have been done to him. There is no neceſſity, and no pretence therefore, for recourſe either to actual violence, or to combination, which always and neceſſarily partakes of violence. The repreſentations of particular Officers, addreſſed in their individual characters to their Military Superior, and ſubmitted through him to the proper Authorities which have the power of pronouncing upon them, will obtain the object of any juſt demand. If it be ſaid that repreſentations in this form, eſpecially in matters of general concern, are leſs weighty and impreſſive than the united voice of a numerous and powerful body, it muſt be anſwered, that whatever aid is derived from the union of military numbers is a perverſion of the power confided to them, and falls diſtinctly within the guilt and danger of thoſe violations of duty which we have already deſcribed.

11. The general diſcountenance and prohibition of combination is ſo well eſtabliſhed in the conſtitution of our Government at home, that the Houſe of Commons, to which the univerſal right of petition is amongſt the moſt precious privileges of the ſubject, rejects however every petition purporting to be preferred in the name of any body or deſcription of men, with the exception of bodies incorporated by charter; and yet the ſame petition, with the ſame ſignatures, purporting only to be preſented by the petitioners in their individual capacities, would be received without objection.

12. Such is the jealouſy entertained of combination, even in the caſe of bodies the moſt inſignificant, and the leaſt calculated to inſpire that ſentiment. But a conſtitutional jealouſy of the Military power is in a manner characteriſtic of our Government and the Nation. This ſentiment is far from derogatory to the high reſpect and reverence in which the true character and appropriate virtues of that moſt honourable profeſſion are ever held; it is founded on the ſoundeſt principles of military ſubordination and civil order. A deliberative Army, and a deliberative Navy, are both diſqualified for the diſcharge of the proper and honourable duties which form their true diſtinction; and when their deliberations end in concert and combination, the public peace is endangered.

13. We are accuſtomed in England, without diſtinction of profeſſion or degree, to ſpeak with pride and reverence of that nice and ſcrupulous ſolicitude which pervades the conſtitutional policy of Great Britain on every point that affects, however remotely, the great and primary concerns of civil liberty and domeſtic ſecurity—bleſſings which it is natural to value moſt highly in a country where they are beſt known and experienced. It is this great national ſentiment which requires as the main and moſt indiſpenſable proviſion for civil ſecurity, the abſolute unqualified ſubordination of the Army to the State, or, in other words, to the Government of the Country. Out of the ſame principle ſprings the neceſſity of peculiar reſtraints on the Military Body, and the abridgment in their caſe of ſome privileges and practices, which are permitted, becauſe they are not deemed hazardous, in other parts of life.

14. Amongſt the chief of thoſe reſtraints are to be placed the ſtrict prohibition of Military combination for the furtherance of profeſſional views or wiſhes, and of open and concerted oppoſition by Military men in their military character to the Government or the perſons who adminiſter it.

15. They are not precluded in other capacities, and in the proper places, to take whatever ſhare they may approve in the expreſſion of public opinion, or in the promotion of lawful objects connected with it; but theſe are civil not military purſuits in which they can be permitted to partake, only diveſted of the ſeparate character and influence of their order, and blended with the maſs of their countrymen. The exerciſe of theſe political capacities is excluded from camps and garriſons, becauſe its admiſſion there is incompatible alike with every military and civil duty; and neither their Sovereign nor their Country will endure that Armies, which are the ſervants of the State, ſhould ſet themſelves up in tumultuous oppoſition to thoſe who are cloathed with its authority, and aſſume a tone of defiance and command where they are bound as ſoldiers and ſubjects to obey. It is in the field alone that Armies can reap a fair and genuine renown; when they

they look for it elsewhere they lose their way, and meet only reproach and dishonour in the intricate and disreputable career of party feuds and dissention.

16. It were to be lamented, and little to the credit of military men, if on points which touch so nearly all that is most dear to their Country they should cease to think and feel as Englishmen when they become soldiers, and should suffer the partial spirit of a profession to wean them from those sentiments and sympathies, which, like their brethren in civil life, they imbibed with their milk, and which distinguish and illustrate their nation.

17. We cannot doubt therefore that when these true English principles are brought to the recollection of the Coast Army, they will perceive, and we are persuaded will acknowledge with candour and regret, how far removed all that has been passing must be thought from these founder notions of professional duty; and, we trust, the factious spirit of combination which has lately been fomented amongst them, with all the irregular proceedings to which it has given birth, will appear as reprehensible to the Officers of that Army as we ourselves esteem them.

18. To apply these principles to the present case, the title alone of the proposed Address to the Governor General in Council must subject that paper to serious censure.

19. It is intituled, "The respectful Memorial of the *Officers of the Madras* "*Army*."

20. It was not a representation of the Commander in Chief, or of the General Officers commanding that Army, on its behalf: it was not a communication from a few officers of rank and consideration, setting forth their own sentiments, or conveying respectful advice concerning the military affairs or interests of the Coast; but it was to bring to our Council Board a clamorous demand, enforced by the combined and united voice of an Army; in other words, it was to intimidate and overawe the authority to which it was addressed.

21. This attempt at intimidation was the more reprehensible as it was altogether unnecessary, and entirely inapplicable to the purposes avowed by the Memorialists. It will not be said, or, to speak perhaps more correctly, it will not be avowed, that the removal of Sir George Barlow from the Government of Fort St. George was the primary and substantive object of their proceedings; and that the Army was to speak in a body, not for the redress of the grievances set forth in the Memorial, but for the purpose of cashiering and electing Governors at the discretion of the Officers of the Army. If the redress of grievances then was the object proposed, it is manifest that the purpose could not be accomplished, but was likely to be impeded by this culpable proceeding.

22. The grievances enumerated in that Paper are, the exclusion of Lieut. General M'Dowall from Council; the release of Colonel Munro; and the removal of the Adjutant and Deputy Adjutant General from their offices.

23. The first of those complaints related to a measure adopted, as the Memorialists well know, by the Honourable the Court of Directors, and altogether beyond the competence of any authority in India.

24. The release of Colonel Munro is a measure which, if it was wrong, might be a fit subject of representation by Lieut. General M'Dowall, whose order for his arrest had been superseded; as Commander in Chief, he was the proper channel for that representation, first, to the Supreme Government, and then to the Authorities at home. The interposition of the Army itself was unnecessary and culpable.

25. The same remarks apply to the removal of the Adjutant and Deputy Adjutant General. The Adjutant General had himself embarked for England; the Commander in Chief was also on his passage. The conduct of that discussion in England might be safely left to them, and could not be assumed by any other persons with equal propriety.

26. All these important points could receive a definitive decision from the supreme Authorities in England alone. To agitate them here could neither influence nor accelerate that decision; and could answer one purpose alone, that of fomenting a spirit of discontent and controversy, encouraging murmurs, and

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exciting heat and ferment in the Army; all which it was for the public interest, and not less for the interest of the Army than of Government and the rest of the community, to prevent or appease. It was surely the manifest duty of every servant of the Company, whether civil or military, and must have been the earnest desire of every honest and honourable man, to devise every possible means of tranquillizing the minds of the public, allaying past irritation, and promoting a return of temper and harmony, at least during that interval.

27. If the conduct of the Memorialists could not contribute to the accomplishment of the ends they professed, it is obvious that the manifestation of a turbulent spirit, and of a disposition to excite in the Army sentiments of disaffection, and to involve the officers at large in acts of insubordination and hostility towards the legal Government of the Country, could only prejudice the public cause, which served as a pretext for their proceedings, by making it at least questionable, whether the Authorities to which the appeal was made might think it compatible with the honour of Government and the interests of the public, that they should concede to violence and sedition even those points, if there had been any such in their case, which might in other circumstances have been viewed more favourably.

28. If we confine ourselves therefore merely to this general view of the form which the Memorial bears, we should find too much room for censure. But the impressions made upon us by the general character and aspect of this proceeding are confirmed by a closer examination of the matter and substance of the Memorial.

29. That the authors of this paper invite the Army at large to deliberate on certain measures adopted by the Government of Fort St. George, and to enforce by the joint and united act of a Military body the insolent and factious demand of the removal of the first member of that Government, is plainly written in the Memorial. This is alone a great and culpable departure from the first and clearest duties of the Military profession.

30. But there is one feature of positive sedition, too plain and striking to be mistaken or overlooked.

31. The paper bears the title of *Memorial*, and the epithet of "respectful" is added to it. It is a petition to the Supreme Government; the prayer of which is, to remove the Governor of Fort St. George from his office. But this Memorial does not trust entirely to the reasoning it contains for the support of a request so extraordinary. The Memorialists have thought it advisable to fortify the argument, and to enforce the petition, by a pretty intelligible intimation, that if the Supreme Government should hesitate to remove a Governor who is obnoxious to them, they will take the matter into their own hands, and make a new Governor themselves.—"They cannot suppress the expression of their concern at the manner in which the exclusive rights of the Army have recently been violated; and of their sanguine hope and earnest entreaty, that the Supreme Government may in its wisdom be induced to appease their just alarms, *and to anticipate the extreme crisis of their agitation*, by releasing them from the controul of a ruler, whose measures," &c. &c. &c.

If it is contended that this passage is in its letter susceptible of some other and less criminal interpretation, it must at the same time be admitted that the words naturally bear the construction which we have put upon them; such a menace was never addressed by such Memorialists to such a quarter in plain unambiguous language. That the phrase is equivocal, and may by any construction import a threat, is in such a paper signed, as was proposed, by all the Officers of a powerful Army, to be received as an explicit expression of that sense, and brings the crime fully and satisfactorily home to its authors.

32. In considering the subject matter of this Memorial, we perceive, that of the three complaints preferred in it, there is not one which could be made, with propriety, the subject of a representation from the Army at large, even if such representations were justifiable in any case.

33. Whether His Majesty shall call the Commander in Chief of the Army into His Cabinet Council or not, it is for His Majesty, with the advice of His Ministers, to decide, in his discretion. The Commander in Chief of the whole British Forces

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is not neceſſarily a member of Adminiſtration or of either Houſe of Parliament; and we are well aſſured that no Officer in His Majeſty's ſervice could be found, if the recent conduct of Lieut. General Hay M'Dowall ſhould not compel us to make an exception in his caſe, who would countenance or promote a repreſentation from the Britiſh Army at large to His Majeſty, or to Parliament, on that ſubject.

34. Whether the Commander in Chief of the Army of the Eaſt India Company ſerving under the Preſidency of Fort St. George, or Bombay, ſhall be appointed to a ſeat at the Council Board, or not, is a queſtion which is left by Law to the deciſion of the Honourable the Court of Directors, whoſe duty and privilege it is to determine it according to their views of public convenience and advantage.

35. The complaint upon this ſubject is introduced in the Memorial immediately after the aſſertion, in lofty and declamatory language, that the "humble "Memorialiſts are not the *abject ſlaves* of a Country *enthralled by deſpotiſm*; and "that they reſpectfully *aſſert a claim* to certain *rights and privileges*, the enjoyment "of which may be allowed to them without impairing or encroaching on the "dignity of Government, or in any way interfering with the other departments "of the State."

36. When ſuch a body as an Army is invited to *aſſert* a claim of *rights* and *privileges*, care ſhould be taken by thoſe, who do not propoſe to ſow the ſeeds of revolt and public trouble, to define thoſe rights and privileges. No affected ambiguity, at leaſt, ſhould attend ſuch declarations; and when a complaint of the excluſion of the Commander in Chief from Council immediately follows ſuch declarations, and ſtands in front of the grievances which the Memorial ſets forth, if it was not intended to claſs the admiſſion of the Commander in Chief to Council amongſt thoſe rights and privileges of the Army which they would be *abject* ſlaves if they did not *aſſert*, that claim ſhould have been explicitly diſavowed, and ought not to have been ſtrongly countenanced by a form of language ſcarcely ambiguous.

37. We deem it proper to declare explicitly, that the admiſſion of the Commander in Chief of the Coaſt Army to a ſeat at the Council Board of that Preſidency, is not amongſt the *rights* and *privileges* of the Coaſt Army; and that any repreſentation upon that ſubject, in the name of the Army at large, would be an undue interference with objects not within their competence, and would be a culpable departure from the military character, and from the proper duties of their ſtation.

38. It has been attempted to perplex this queſtion by miſrepreſenting the offices and duty of the Commander in Chief in his office of Counſellor when he has a ſeat at the Board, and above all, by introducing ſome indiſtinct and confuſed notions of a repreſentative character which is aſcribed to him as a member of Government. The confuſion of ideas on this ſubject is ſtill increaſed by their pointing naturally at ſome falſe analogy between the rights of repreſentation in the political conſtitution of the Britiſh Legiſlature, and the right of the Army of Fort St. George to be repreſented in the Government of that Preſidency. To this right is added the claim, that the Commander in Chief for the time being ſhall, by virtue of his office, be that repreſentative.

39. It is obvious that a ſtep more in this proceſs of confuſed analogy, would ſet up a claim for the Army, to the election of its own repreſentative in the Government of Fort St. George.

40. This tiſſue of error muſt either be the work of extreme ignorance, or muſt have been conſtructed for the purpoſes of deception, and tendered by deſigning men to the preſumed ignorance of others; but as it has been a fruitful ſource of deluſion, and as "repreſentative in Council" has been made a ſort of watch-word in theſe diſſenſions, it appears important to rectify the falſe opinions which may have been imbibed upon theſe points, and to ſubſtitute plain truth and reaſon in the room of all the perplexed and indiſtinct fallacies, in which it has been the ſtudy of an artful faction to entangle the ſenſe and feelings of their unwary and leſs informed brethren.

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41. A Commander in Chief, who is a Member of Council, has preciſely the ſame character and duties as his colleagues; he is not the repreſentative of the Army in any ſenſe of the word, and ſtill leſs in the ſenſe which may perhaps have been intended, of his being charged in Council with the ſeparate intereſts of the Army, as diſtinct from thoſe of the public and the general ſervice of Government. The Commander in Chief, as a Member of Council, is the Delegate, not of the Troops, which in another character he commands in the field, but of the Eaſt India Company, and of the Britiſh Nation. He is charged with the public intereſts—he is charged alſo with the intereſts of the Civil, as he is of the Military, ſervants of the Company, and with the general proſperity of the whole population, European and Native, of the provinces ſubject to the Preſidency to which he belongs. But the Army has no excluſive, nor even preferable claim, upon the councils of the Commander in Chief as a member of Government; nor is it neceſſary for its intereſts that it ſhould. To drop therefore the falſe term of repreſentative, and all the errors which it is calculated to produce, and to ſpeak in the true language of the Civil and Military conſtitution of theſe provinces, the Preſident in Council, who conſtitutes the ſole Military as well as Civil Government of the Country, is charged on one hand with the duty of regulating the Army for the public good, and on the other, with that of providing duly for the intereſts of the Army itſelf.

42. That Government will conſult the experience of the Commander in Chief in both the branches of his Military Councils, if he is a member of their Board; —they will conſult him out of Council if he is not their colleague. And if any Commander in Chief ſhould have rendered himſelf unworthy of their confidence, it is not to be apprehended that fidelity, experience and judgment, will be wanting in the ſuperior ranks of the Army to ſupply the blank.

43. We abſtain from delivering any opinion upon the general queſtion, whether it is expedient, or not, that the Commander in Chief of the Army on the Coaſt ſhould be a Member of Government. It is enough for the preſent purpoſe to declare, that this is purely a queſtion of public expediency, and in no reſpect connected with any claim of right or privilege in the Army.

44. The next complaint is, the releaſe of Lieut. Colonel Munro.

45. When an Army ſteps ſo far aſide from the path of its proper and legitimate duties as to become the inſtrument of party, to mix in political views, and to undertake the removal of Governors or Miniſters, we ſhould have expected that any grievance they ſhould adduce in ſupport of a proceeding ſo foreign to their own character ſhould conſiſt at leaſt in ſome act of grievance and intolerable oppreſſion. The meaſure which is the ſubject of this complaint is, on the contrary, an act of grace and juſtice. It is not the unjuſt arreſt of any officer for purpoſes of oppreſſion and vengeance; but it is the relief of an officer, amongſt the moſt reſpected in the Army, from the moſt tyrannical and deteſtable abuſe of power by which an innocent and highly meritorious individual was ever oppreſſed.

46. We ſhall ever conſider the proſecution of Colonel Munro, and the part which Lieutenant General M'Dowall bore in that tranſaction, as acts of extreme injuſtice, ſo far as they relate to the individual who was the ſubject of them; but theſe meaſures were not leſs culpable in other points of view. Both the advice which Lieut. Colonel Munro gave to aboliſh the Tent Contract, which we conſider as the real object of the proceeding, and the Memorial conveying that advice, a few lines in which were made without any imaginable foundation the oſtenſible ground of the charges preferred againſt him, had been not merely approved, but applauded by every authority to which they could officially be ſubmitted; by Sir J. Cradock, Commander in Chief of the Army, in which the accuſers of Colonel Munro are officers; by the Governor and Council of Fort St. George, who hold the ſupreme Military authority under which theſe officers ſerved; by the Commander in Chief in India, to whom as officers they owed implicit reverence and reſpect; and, laſtly, by the Governor General in Council, the ſupreme and higheſt Britiſh authority in the Eaſt. To charge either the meaſure which had been adopted under theſe authorities, or the reaſons upon which it was recommended, and which had been ſanctioned and approved by the ſame authorities, as baſe and infamous crimes, was a ſtudied inſult offered by

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thoſe Officers, and by Lieut. General Maclowall who ſupported and co-operated with them, to every authority which it was their duty to reſpect. This proceeding aimed alſo diſtinctly at withdrawing the management and direction of all military arrangement regarding the regulation and economy of the Army from the legal authority of Government, in order to place it in the ſhape of Courts Martial under the direction of the Officers of the Army themſelves. Lieut. Colonel Munro was the nominal culprit, and the articles were to bear the abſurd, and for that reaſon we muſt believe the colluſive and pretended accuſation againſt him of calumny and ſlander; but the Tent Contract, or rather its abolition, was in effect to be the ſubject, for no other ſubſtantial ſubject exiſted for the trial.

47. We ſhould indeed have been ſurprized, as well as concerned, if any conſiderable part of the Coaſt Army had been prevailed upon to ſtain the pure and honourable character of their profeſſion, by lending their countenance in any ſhape; or in any ſtage, to a proceeding ſtamped as this proſecution was with injuſtice and oppreſſion, and founded on ſuch motives as all the circumſtances conſpire to vindicate.

48. But it is ſaid, Colonel Munro was only to be tried, and if innocent, would have been acquitted. Yet the Memorialiſts themſelves alledge, that he was already condemned; having incurred the ſuſpicion of having acted in a manner that was moſt generally conſidered to have been criminal. "*Having incurred the* "*ſuſpicion*," are mere words of form. The meaning of the paſſage is a poſitive aſſertion, that Lieutenant Colonel Munro had acted in a manner that was moſt generally conſidered to have been criminal. We aſſume this to be the meaning of the paſſage, becauſe there was no queſtion concerning the facts.

49. It is difficult to imagine that ſuch a charge as that which was preferred againſt Lieut. Colonel Munro, ſhould have reſted only on vague report; and that the Officers who ſigned ſhould not have uſed all the means in their power to obtain the peruſal of a paper on which they meant to found an accuſation of libel. We muſt therefore preſume, that the Memorial on the Tent Contract was in the hands of thoſe who charged its author with defamation. From that Memorial therefore, never denied nor diſavowed by Lieutenant Colonel Munro, and capable of certain and eaſy proof, is to be collected "the manner in which he had acted;" and if that manner of acting was already moſt generally accounted criminal, ſentence was already paſſed, ſo far as faith can be given to the Memorial intended to be preſented to this Government. We truſt however more in the honour of the Army, than in the party feelings of the Memorialiſts; and we hope they were too ſanguine in their expectations of ſo unjuſt a ſentence. But although the acquittal of Lieut. Colonel Munro muſt be ſuppoſed poſſible, it was not fit that ſuch an Officer ſhould be brought to the bar as a criminal for his honeſt ſervices. It was not fit that the mode of providing carriage for the camp equipage of the Army, approved and adopted as it had been by all the legal Authorities in India, ſhould be appealed from theſe Authorities to a Board of Officers. It was not fit that this firſt ſtep ſhould paſs without oppoſition in the proceſs of uſurping the regulations of the Army from Government to the Officers of the Army. It was not becoming that the Supreme Government, the Commander in Chief of India, the Government of Fort St. George, and the late Commander in Chief of that Preſidency, Sir John Francis Cradock, ſhould hold up their hands as culprits before a tribunal of Officers ſitting in judgment upon the deliberate meaſures of their Government.

50. The whole proceeding was monſtrous, and we repeat in the ſtrongeſt terms our warmeſt approbation of your juſt, legal, and indiſpenſable interpoſition on that occaſion to vindicate the honour of your Government, and to ſhield one of your beſt and ableſt ſervants from an arbitrary and oppreſſive abuſe of power. If you had omitted to do ſo, you would have failed in the moſt ſacred duties of your high ſtations, and would have merited, becauſe you would have ſanctioned, that long train of inſult and encroachment which was to follow, and of which the proſecution of Lieutenant Colonel Munro would have proved to be only the firſt experimental ſtep.

51. It is admitted, that the warrant to hold Courts Martial is addreſſed to the Commander in Chief, and we deem his authority excluſive in that branch of the public adminiſtration. But the abuſe of a legal power is illegal, and the ſupreme

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military controul of the Governor in Council extends in our judgment, and beyond all doubt, to the prevention of such abuses. This does not suppose an habitual and indiscriminate interference. We assert only for the Government of Fort St. George a right, and a legal power to come, in extraordinary cases, to the support of their own authority, and against seditious encroachment combined with the oppression of innocent men, by a gross abuse of the power confided to the Commander in Chief in the direction of military prosecutions.

52. If this opinion were wrong, there are higher Authorities who have power to pronounce it erroneous, and to provide another remedy, which in that case would be necessary for the evil supposed.

53. In the mean while your opinion was binding, and when confirmed by ours, is still more so, on the Army of Fort St. George, who are not the judges either in the first or last resort on that subject.

54. This is not a question in which the Officers of the Army could be justified to interfere. It concerns the extent of your legal powers under the constitution of your Government, upon which they cannot sit in judgment. If the Commander in Chief, Lieutenant General Hay Macdowall, differed with you, as he affects to do on that point, he might have properly stated it to the Court of Directors, and to His Majesty's Government, for their decision. But when he appealed that question to the Army, which is subject to your authority in India, as he did by his general Order of the 28th January, he carried that controversy to a tribunal the incompetence of which he well knew, and before which the agitation of such a question, as it could tend to no useful conclusion, so it could hardly fail to kindle animosity and excite discord tending assuredly to some mode* or rather of public disorder, and perhaps eventually to military insubordination and mutiny itself, in the progress of which calamity and distress were sure to fall first and heaviest on his own friends and associates.

* Orig.

55. We pass naturally from the General Order just mentioned to the dismissal of the Officers who published it to the Army, and our sentiments on that subject must materially depend on the opinion we entertain of the character and tendency of the order itself.

56. In deliberating on this subject, we have not thought ourselves bound by the form under which the substance and real purview of this paper has, for obvious reasons, been disguised.

57. It purports to be a reprimand to Lieutenant Colonel Munro, but substantially it conveys in every line a reprimand to the Government of Fort St. George, and that reprimand is addressed to the Army subject to its authority. The subject matter of the censure passed ostensibly on Colonel Munro, renders it inseparable from a censure on the Government. The offence charged upon that Officer, in his appeal to the President in Council from an arrest imposed upon him by the Commander in Chief, and the General Order itself informs the Army that the appeal which is subject to his reprimand was followed not by the reproof but by the protection of Government.

58. Lieutenant Colonel Munro had exhausted all the means he possessed of obtaining relief from the Commander in Chief himself. This it was his duty to do in the first instance. But when justice was denied him in that quarter, and when the hand of persecution pressed close upon him, we are decidedly of opinion that he had a right to claim the protection of the Supreme Military authority, which is vested by law in the Governor in Council of Fort St. George.

59. If that Government possessed a legal power to intervene in a case of abuse, it could not be criminal in the party suffering under it to claim their protection, and the conduct of Lieutenant Colonel Munro could not justly be made the subject of a reprimand.

60. That the Government of Fort St. George is not restrained by law from this particular exercise of the supreme Military powers which it possesses, was acknowledged by Lieutenant General Macdowall himself, since he obeyed their orders for the release of Lieutenant Colonel Munro. If that order had not only been an undue encroachment on his own authority as Commander in Chief, but had

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been beyond the legal and competent powers of thoſe who iſſued it, he would not have been bound to obey it, as he diſtinctly profeſſed himſelf to be.

61. The Government of Fort St. George did not exceed therefore their legal powers, and the only queſtion that could be made was, whether they exerciſed them properly in the particular inſtance. On that point, undoubtedly, the Government of Fort St. George is ſubject to the reſponſibility which is inſeparable from the exerciſe of all delegated authority. But to what tribunal were they amenable? Where was it proper, where was it for the public intereſt, that Lieut. General Macdowall ſhould carry his appeal? to the Army of Fort St. George, or to the King, and Court of Directors?

62. That he ſhould convey this queſtion to the Army, in the ſhape of a reprimand to Lieutenant Colonel Munro, appears to be in contradiction with his own ſentiments on the ſubject, as we have juſt ſtated them; for if the Government of Fort St. George had a legal power to releaſe Lieut. Colonel Munro, it could not be criminal, it could not in any mode or degree be culpable; it could not incur the penalty of a reprimand; but it was his clear right and privilege to claim the legal and competent protection of Government from the oppreſſion of the Commander in Chief.

63. If the Government, on the contrary, did not poſſeſs thoſe powers, Lieutenant General Macdowall owed them not obedience.

64. If the legality of thoſe powers be diſputed, notwithſtanding the teſtimony borne to it by Lieutenant General Macdowall's ſubmiſſion, it is again to be aſked, to what tribunal that diſputed queſtion ought to have been ſubmitted—to the Army, or to the Supreme Authorities in England?

65. It is alſo to be enquired, whether, in a controverſy between the Commander in Chief and the Government, concerning the limits of their reſpective authorities, it was fit that Lieutenant General Macdowall ſhould arrogate the deciſion to himſelf; and, ſanctioned alone by his own opinion in his own caſe, ſhould inflict a ſevere puniſhment on Lieutenant Colonel Munro for having acted on a different opinion, but one which had been ſupported by the judgment of the Government, that is to ſay, of an authority, and of a military authority to which that of the Commander in Chief himſelf, and of the whole Army, is made ſubordinate by an Act of the Britiſh Legiſlature; an authority to which they owed implicit obedience, and which muſt, at the very leaſt have been felt to challenge ſufficient reſpect to exempt an individual Officer from the imputation of a crime for having acted conformably to it.

66. The reprimand to Lieutenant Colonel Munro, therefore, was not only not neceſſary, but it was unjuſt and inconſiſtent with the principle which Lieutenant General Macdowall had himſelf profeſſed.

67. For theſe reaſons, we conſider the ſhape given to the General Orders of the 28th January as merely colourable; and we are of opinion that the reprimand to Lieutenant Colonel Munro was evidently intended only as a vehicle for circulating, throughout the Army ſerving under the Government of Fort St. George, a vehement and intemperate public cenſure of that Government, and an inflammatory addreſs to the profeſſional feelings of that Army, and to topics thought likely to produce irritation and diſorder. It was in other words, a moſt ſeditious paper, under the title of a General Order to the Army, and bearing the then diſguiſe of a reprimand to a particular Officer.

68. That this attempt to excite irritation, and to produce diſorderly conduct amongſt the officers of the Army, has not been entirely unſucceſsful we lament the neceſſity of acknowledging; and that thoſe deſigns have nevertheleſs been ſubſtantially fruſtrated, and have failed in far the greater part, we have a cordial ſatisfaction in aſcribing, firſt, to the good ſenſe of the Army at large, which could not be miſled by fallacies ſo eaſy detected; but next, and principally, to the firm attachment to the duties of their profeſſion, and to that ſteady loyalty and incorruptible fidelity, which, in that Army, we are confident will ever be found proof againſt the acts and ſeditions of faction.

69. Notwithſtanding the ſentiments we have expreſſed concerning the true nature and tendency of the General Order in queſtion, we have not neglected to conſider

[No. 3.] Enclosure in Chief Sec.'s Letter, 28 June 1809.

conſider whether the officers who gave it currency by the orders of the Commander in Chief, were reſponſible for its criminal purport, and were on that account juſtly removed from their offices.

70. In deliberating upon this queſtion, we reſorted naturally to ſuch general principles applicable to the ſubject as we thought beſt eſtabliſhed, and moſt free from doubt.

71. The following propoſitions have appeared to us of that deſcription:

Firſt, That as a general principle, a military officer is not only juſtified in obeying an order of his ſuperior, but that he is bound to do ſo, without regard to the quality of the order. Under this head we conſider the Adjutant General as obliged, in a peculiar manner, by the duties of his office, to publiſh to the Army any orders which the Commander in Chief may commit to him for that purpoſe. We are clearly of opinion, as a general principle, that the Adjutant General is not bound to deliberate on the propriety of the order which he is commanded to iſſue; that it would be a breach of military duty to do ſo; that he is merely miniſterial in theſe functions, and is not reſponſible for the propriety or impropriety of the orders he may circulate officially to the Army.

72. We regard theſe principles as very important, and in a manner fundamental in the theory of military ſubordination.

Secondly, We conſider, however, as not leſs eſtabliſhed, that the general principle above ſtated is ſubject to exception and modification. The modification by which the general principle of ſimple obedience ought to be limited is, in our judgment, the following: That *criminal* orders are not to be obeyed, and that the Officer who executes a criminal order of his ſuperior is perſonally reſponſible for his conduct. We look upon this modification of the general military principles as forming itſelf a great and primitive principle, not leſs important and fundamental for the civil ſecurity of ſociety, than we allow the other maxim of implicit obedience to be for the due ſupport of military ſubordination.

73. Conſidering then, as we have already ſtated, the General Order of the 28th January as a ſeditious paper, we might at once pronounce the Adjutant and Deputy Adjutant General guilty of ſedition by the publication of that Order, notwithſtanding the authority under which they acted.

74. But that judgment would not be juſtified by the mere criminality of the Order which they iſſued; and it is neceſſary, in order to eſtabliſh their participation in the crime, and to render them perſonally reſponſible, to ſhow that they were acquainted with the ſeditious character of the paper.

75. In forming our judgment upon this point, we have not conſidered it as an abſtract queſtion, but as fit to be combined with all the circumſtances of the caſe, and eſpecially with thoſe in which the parties concerned were placed; and from this view of the queſtion, it has in our opinion reſulted, that Col. Capper and Major Boles are to be conſidered as partaking perſonally in this act of Lieutenant General Macdowall, and as deeply reſponſible for its pernicious and criminal tendency.

76. Before this Order was prepared, it was not only known to thoſe confidential Staff Officers of the Commander in Chief; but it was notorious to the whole Army and Settlements, that there was a warm and vehement diſſenſion between the Commander in Chief and the Government. Theſe Officers were acquainted with the proſecution of Lieutenant Colonel Munro, and the part which Lieutenant General Macdowall had taken in that proceeding; they knew that every ſtep in that extraordinary tranſaction was a ſtudied inſult to the Government; they knew that Lieutenant General Macdowall had become the patron and channel of a Memorial to the Court of Directors, highly diſapproved by the Preſident in Council of Fort St. George, which he had himſelf, at the inſtance of that Government and at no diſtant period, written circular letters to diſcourage and ſuppreſs, but which in a riper ſtage of hoſtility towards the perſon and authority of the Governor, he had countenanced and promoted. It is in fine ſuperfluous to prove, what is beyond doubt, and is not denied, that a warm paſſionate rupture had broken out between theſe two high Authorities.

77. The Commander in Chief of an Army in open and ardent oppoſition to the Government which he ſerves, is no trivial event, and conſtitutes a ſtate of things

things, from which ſome conſequences applicable to this queſtion have appeared to us to follow. [No. 3.]

78. We conſider theſe circumſtances, therefore, as furniſhing a new modification of the Military principle firſt aſſerted; and we are of opinion, that in ſuch extraordinary and momentous emergencies, it is fit and neceſſary to require, that an Officer, whoſe duty it is to give currency to the orders of the Commander in Chief, ſhould, contrary to the principle of blind obedience, which ought to prevail in ordinary times, carefully conſider theſe orders, and deliberate ſeriouſly upon their nature and purview, before he publiſhes them. The circulation, in heated and factious times, of a ſeditious Addreſs to the Army, has no analogy to the principle of military obedience to a military order in the common diſpatch of buſineſs, and cannot be governed by the ſame rules. Enclosure in Chief Sec.'s Letter, 28 June 1809.

79. We are, after much and ſerious reflection, decidedly of opinion, that this reſtriction of the military principle, the general importance of which we nevertheleſs feel moſt ſenſibly, cannot impair the obligations of military ſubordination and obedience, in any manner or degree, prejudicial to the natural and legitimate objects of military command; and that in times of trouble it may afford a moſt ſalutary and neceſſary protection to the Government and people againſt the poſſible perverſion of Military ſupremacy to the purpoſes of ſedition or faction.

80. In a natural and wholeſome ſtate of things, the obedience of ſubordinate Officers is to be implicit, admitting of no deliberation, and ſubject to no reſponſibility, except for plain and manifeſt crimes. In ſuch diſtempered ſeaſons of open contention with Governments as are now in queſtion, Addreſſes from Commanders in Chief to their Armies, having reference to ſuch debates, are a fit ſubject of deliberation to thoſe whoſe office it may be to tranſmit them, and a reſponſibility belonging excluſively to ſuch occaſions muſt attach even to their official and miniſterial acts.

81. In conformity with theſe ſentiments, we have no doubt of the reſponſibility of the late Adjutant and Deputy Adjutant General of your Army, on the occaſion of publiſhing the General Order of the 28th January; and we are of opinion, that if the author of that Order is himſelf guilty of ſedition, as we eſteem him to be, theſe confidential Officers of his Staff, who conſented to be inſtruments of his crime, are under all the circumſtances implicated in the guilt, and ſubject to the penalties of the offence.

82. If there were doubts, however, upon the queſtion, as weighing general and fundamental principles againſt particular modifications of them muſt always be a delicate one, we cannot quit the ſubject without repeating that it is not a fit matter for the interference of the Army itſelf. In what particulars ſedition may conſiſt; under what circumſtances the official inſtrumentality of an Officer, in the crime of a Superior, ſhall ſubject him to perſonal reſponſibility; are queſtions to be diſcuſſed in colder blood, and by a different deſcription of counſellors than are always to be found in numerous bodies at a period of heat and irritation. They are worthy of the informed and impartial deliberation of His Majeſty's confidential Servants and Adviſers, and of the ſupreme Rulers of the Army of India, the Honourable the Court of Directors.

83. To ſnatch a queſtion of that nature and importance from the deciſion of thoſe Authorities, at the very moment of its formal reference to their judgment, and to caſt it, as a ſource of diſcord and violence, into the midſt of an Army already warmly agitated, is the part of incendiaries, and not of friends either to the Army or the State. It is a great crime; and being that of which the Officers who have lately experienced the marks of your diſpleaſure, have appeared to you, on a careful inveſtigation of the facts, to have been guilty, we have no heſitation, although we deeply lament the occaſion of this neceſſary ſeverity, in approving and commending the vigilant energy with which you have, in a ſeaſon of great difficulty and danger, aſſerted the legal authority of your Government, prevented the factious contagion from ſpreading through the honourable and hitherto untainted ranks of the Coaſt Army, and provided for the ſecurity and integrity of the Britiſh Empire in India.

84. You will perceive, that much of what has been ſaid in the Memorial is applicable to the Addreſs to Major Boles.

[No. 3.]
Enclosure in Chief. Sec.'s Letter, 28. June 1809.

85. This is also a measure connected with a military combination. It assumes the cognizance of a question which belongs to fitter and higher tribunals. It pronounces, in the name of an Army, open censure of the Government which that Army is bound to obey.

86. In these respects it stands on the same footing and partakes in all the criminality of the paper we have already considered. But there is in the Address to Major Boles a character of transcendent guilt and danger which is peculiar to itself. We allude to the scheme, of which it professes to lay the foundation, of a combination of private power to contest with the power of Government, organized resources of resistance, mutual support against the hand of justice, and indemnity against the legal consequences of crimes.

87. We do not know how it is possible to approach much nearer that extreme crisis which it so emphatically menaces in the Memorial, without reaching it. We trust, however, confidently, that those who have been improvidently betrayed into those desperate courses, will have been awakened to a sense of their perilous situation; and that by arresting the progress of the foremost, you will have saved their inconsiderate followers from the ruin and dishonour to which their leaders were conducting them.

88. With regard to those who have taken a leading part in these criminal transactions, we feel that every principle of tried and established policy applicable to such conjunctures, and every obligation of your sacred trust, forbad the extension towards them of a false and mischievous lenity.

89. We concur also entirely in the sentiment expressed in your General Orders of the 1st ultimo, that it is not sufficient for Officers holding commands to avoid a participation in such proceedings, but that it is their positive and indispensable duty to adopt the most decided measures for their suppression, and to report them to the superior Authorities. The purposes of tumult and sedition may as effectually be promoted by their negative concurrence as by their active participation.

90. The neglect of duty is an offence varying only in degree from a positive violation of it; and any Officer who, apprised of the progress of disorderly proceedings among those who are placed under his immediate controul, abstains from any attempt to suppress them, either by the exertion of his own authority or by an appeal to the superior power, gives to those proceedings one mode of encouragement, and cannot stand absolved of blame, nor found a claim to immunity; much less to a continuance of that implicit confidence which is attached to stations of authority on the cases of so culpable and mischievous a neutrality.

91. From the whole of the preceding discussion, you will naturally infer that we consider the offences charged against those Officers whom you have judged it necessary to suspend or deprive of their appointments and commands, as fully justifying the respective degrees of punishment which you have allotted to them.

92. The local means and advantages which you possess, as well as the great delicacy of the enquiry, have necessarily placed the application of these principles to individuals, and the investigation of particular cases, under your exclusive cognizance; and we have only to express that entire confidence which is due to your station and characters in the justice and impartiality, not less than in the vigilance and activity of your proceedings, in a scrutiny so peculiarly circumstanced.

93. We observe with satisfaction, that the general tenor of the replies to their Circular Letter, addressed by Major General Gowdie to the Officers commanding at the several stations of the Army, confirms the opinion which we have expressed of the loyalty of the major part of the Officers of your establishment.

94. In assuring you, therefore, of the firm support of this Government, in maintaining a contest which involves all that is most dear to our Sovereign and Country, if, contrary to our ardent desire and sanguine hope, any future call should yet be made on the power and energy of your Government, which may require our aid. We will conclude, however, with expressing our fondest wish and expectation, that the late afflicting agitations should subside in a calm and reasonable reliance on the wisdom and justice of the high Authorities to which the transactions of this troubled period have been advocated, and in those demonstrations of respect and obedience which are due not more to your station than to the faithful

and

and honourable discharge of all your public but difficult duties, which in our opinion has eminently distinguished the present Government of Fort St. George. [No. 3] Enclosure in Chief Sec.'s Letter, 28 June 1809.

95. Such a result will be most acceptable to us, most accordant with our views of the public interest, and most congenial with those sentiments of affection and respect, towards the Army of the Coast, which we cordially profess and remain assured that we shall never have reason to renounce.

We have the honour to be,
Honourable Sir,
Your most obedient humble Servants,

Fort William,
the 27th May 1809.

(Signed) MINTO,
J. LUMSDEN,
H. COLEBROOKE.

(Secret Department.)

To William Ramsay, Esquire, Secretary to the Honourable the Secret Committee of the Honourable Court of Directors.

Mr. Chief Sec. Falconer to Mr. Sec. Ramsay; 29 June 1809.

Sir,

Para. 1. I AM directed by the Honourable the Governor in Council to transmit, for the information of the Honourable the Secret Committee of the Court of Directors, an original Memorial, addressed to the Honourable the Court of Directors, by Lieutenant Colonel the Honourable Arthur St. Leger, together with the Copy of a Letter and of its Enclosure, addressed by that Officer to this Government on the 18th instant.

2. The Governor in Council deems it to be unnecessary to make any observations on the indecent and reprehensible sentiments contained in these papers. He at the same time begs to express his hope, that in the event of any Process being instituted and received in any Court of Justice in England, the Honourable Court will be pleased to direct their Law Officers to undertake the defence of their Suits.

I have the honour to be, &c.

Fort St. George,
29th June 1809.

(Signed) A. FALCONER,
Chief Sec.y to Gov.t.

(Enclosure.)

Enclosure in Chief Sec.'s Letter, 29 June 1809.

The MEMORIAL of the Honourable Lieutenant Colonel Arthur St. Leger, late Commandant of the 6th regiment Native Cavalry in the service of the Honourable United East India Company, to the Honourable the Court of Directors.

Honourable Sirs,

PERMIT me to solicit the attention of your Honourable Board to the following Representation. It is submitted to those who have never considered the wrongs inflicted on their old and faithful Servants by the local Government of India, to be unworthy of their notice. But whatever may be your final determination on the merits of this my complaint, I am at least certain of an impartial hearing. I am confident that you will neither encourage nor believe secret and anonymous informers, nor sacrifice the honour and reputation of an Officer and a Gentleman, to the prejudice, anger, or terrors of the moment. Above all, am I confident, that you will not adopt that absurd rule of proceeding which awards the punishment before it has made an enquiry; a proceeding to which, as a number of recent transactions have too clearly shewn, the fortunes and best interests of your Servants, civil and military, under this Presidency, are considered to be subject.

But in thus troubling your Honourable Board with the complaints of a private man, I cannot forget that matters of superior moment to the affairs of individuals, must at this season be pressing upon you, from this important Settlement. This humble Memorial, however, derives most of its claim to your attention from its connection with subjects which immediately affect the vital interests of the British Empire in India.

In this light, Honourable Sirs, the just complaints of an Officer who has long served you with faithfulness and zeal, are more than the mere complaints of an individual. The whole Army suffers, if upon unspecified and indiscriminate accusations, as unsupported by proof as they are incapable of any, a life nearly consumed in the labours of your service is to be rewarded by the most cruel and studied indignities: if spies and informers are to overpower the faith of an Officer on his solemn word; if his person is to be ordered into a disgraceful confinement, without trial or enquiry; if he is to be removed from India, without warning or preparation, at the risque and even to the loss of his property; and his character is to be defamed in public

[No. 3]

Enclosure in Chief Sec.'s Letter, 29 June 1809.

public newſpapers excluſively under the direction of his defamers, whilſt he is deprived of every opportunity of vindicating his fame and his honour by the ſame channel through which they have been aſperſed.

In ſupport of theſe general obſervations, I beg to refer your Honourable Board to the General Order of the 1ſt of May, one thouſand eight hundred and nine, publiſhed by the Honourable Sir George Barlow, your Governor in Council at this Preſidency. I have annexed a Copy of it in the Appendix, Letter A. You will perceive that the ſuſpenſion of your Memorialiſt from the Honourable Company's ſervice, and the order to proceed to England, are notified in peculiar terms of animadverſion, upon the expreſs allegation "*of* "*my having been active in promoting the circulation of an Addreſs to the Right Honourable* "*the Governor General, employing the influence which I derived from the important command* "*confided to me by the Government, for the purpoſe of attempting the ſubverſion of its autho-* "*rity, and ſpreading diſaffection among the troops which it had entruſted to my charge.*" I ſolemnly proteſt, on the word of a Britiſh Officer, and by every thing that is dear to a man of honour, that the charge is falſe and groundleſs; this is an uncourtly denial. But I cannot think, Honourable Sirs, you will expect from an Officer accuſed of the traitorous violation of his military duty, that unnatural ſoftneſs of phraſe, which by half denying, half admits the accuſation. It is a denial, however, which I ſhall ſupport by proof; not only in aid of my appeal to your Honourable Board, but *before a Jury of my Country*, according to the courſe preſcribed by thoſe laws to which every oppreſſed or calumniated man may recur.

Your Honourable Board will not be unwilling to acknowledge, that this accuſation is of too ſerious a kind to be patiently acquieſced in; ſuch an accuſation, ſupported by proof before a Court Martial, would not only have ſubjected me to the moſt dreadful inflictions of martial law, but have taken away from myſelf and others every pretence to murmur againſt it. An inveſtigation before a Court Martial, of an offence ſo immediately ſubverſive of the whole military eſtabliſhment of the country, was not only neceſſary to eſtabliſh my guilt, but to vindicate my innocence. It is preſcribed by the Articles of War for the Government of the Honourable Company's troops, and in all caſes of great military offence has been deemed indiſpenſable by the rules of the Service. For this reaſon, I addreſſed a letter to the Governor in Council, demanding a Court Martial. That application has been treated with contemptuous ſilence.

That I may not appear, Honourable Sirs, to exaggerate the charge attributed to me by the Governor in Council, through the newspapers of this Preſidency, permit me to remind you that, with a ſlight variation of words, the ſame charge is thus defined in the Articles of War. "Every Officer who ſhall begin, excite, cauſe, or join in any mutiny in the troop, company "or regiment, to which he belongs, or in any other troop or company in the Service, or on "any party, poſt, detachment or guard, on any pretence whatever, ſhall ſuffer death, or ſuch "other puniſhment as by the Court Martial ſhall be inflicted." It does not, your Memorialiſt thinks, require many words to ſhew that the offence imputed to me in the newspapers, differs in no feature of criminality from that which by the martial law is puniſhable with death.

On what ground of public expediency, or of juſtice to an accuſed Officer, my application for a Court Martial was treated with contempt, I can but conjecture; I can only attribute it to the total non-exiſtence of all proof againſt me, and conſider it as the act of perſons who, by a frailty too common to our nature, are grown giddy by power, and are led to ſuppoſe, by their immenſe diſtance from reſponſibility, that they are ſubject to none.

I undertake, however, to prove at the table of your Honourable Board, that whatever influence I derived from my command, my rank, or connection with the Army, has been exerted in appeaſing the agitations and diſcontents which prevailed among them, in *exhorting them to the moſt paſſive ſubordination to the local Government, and to look to no other hope of redreſs than the clemency of you, their Honourable Employers.* Should you think their complaints juſt and reaſonable, I ſhall ſhew you the ſpirit with which I have acted, by a *memorable* fact, which will illuſtrate, I hope, better than a formal vindication, the principles I have ſteadily adhered to, and from which no oppreſſion or ill uſage could ever induce me to depart.

I have never diſobeyed the orders of the Governor in Council but in one inſtance, which was during the late operations in Travancore. I diſobeyed it in the exerciſe of a juſt diſcretion, and I received his thanks for it. That order directed me, in violation of Britiſh faith, pledged in the Proclamations which I had been directed to iſſue, when I firſt entered the Travancore Country with the Army under my command, to ſeize the territory, and deliver it over to one of your Civil Servants. Had that order been executed, the iſſue of things would have been very different; and whatever might have been the ultimate event, you would have had a lingering and protracted warfare to carry on, at no ſlight expence of blood and of treaſure. I have other details to ſubmit, for your information, relative to this ſubject.

Of the faithfulneſs of my humble ſervices, ſince I have ſerved you, I truſt you will entertain no doubt; that my recent exertions contributed to the reſtoration of quiet in Travancore, muſt be acknowledged by the very Government by whom I am now treated as a criminal, and defamed as a traitor. It is not vanity, but juſtice to myſelf, which induces me to ſubjoin the flattering teſtimony borne to me, in this reſpect, by Lieut. Colonel Macaulay, whoſe official ſituation muſt give his report upon this ſubject peculiar weight and authenticity.

I may have ſome diſadvantage, Honourable Sirs, in a controverſy with your local Government, from the natural diſpoſition you may poſſibly have to credit their repreſentations, and to

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[No. 3.]

Enclosure in Chief Sec.'s Letter, 29 June 1809.

support their authority. But your Memorialist trusts to the final triumph of truth; and actuated by a sincere zeal for the interests of the Honourable Company, he ventures to express his sincere wishes that the state of affairs at this Presidency may appear to you in their genuine colours, before consequences happen which no policy or wisdom can cure.

I have abundant testimony from all the Commanders of corps under my command, to contradict the charge published against me, and evidence to the same fact from other Officers. These I shall submit to your Honourable Court on my arrival in England. I forbear to insert their declarations in this Memorial, lest they might suffer from the displeasure of the Governor.

I have only to remark concerning the mode in which the orders of the local Government have been put into force against me. On receiving the orders for my suspension, and to embark for England, I was proceeding to Trichinopoly, my place of residence, to arrange my property as well as the shortness of the time would permit. But I was met on my way by orders transmitted to me by Colonel Wilkinson, Commander of the Southern Division, by the authority of the Governor in Council, commanding me not to go to Trichinopoly, but to repair to the sea coast and to Poonamalie, and if I hesitated obedience, I was to be marched under a guard to Poonamalie, a place of confinement for French Prisoners. I am also ordered in a manner, not unlike transportation, on board a ship bound to Bengal, where I have no connection or acquaintance, and on my application, the ordinary allowance to Officers under suspension has been denied me. On the studied severity with which I have been treated I make no comment, confident that I shall be redressed by your Honourable Court, and *by a Jury of Englishmen.*

Having said so much concerning myself, may I be permitted to bear my humble testimony to the loyalty, the faithfulness and the zeal of your Army; I have had better opportunities of estimating them than those by whom they have been lately held up in newspapers as mutinous and disaffected. Whatever indignities may yet be in store for them, I sincerely hope their patience will be firm and unshaken. But this I know, and must be allowed to tell you, that they are at all times ready to forego their just rights, and to forget their injuries, when they are summoned to the service of their Country. Be not deceived Honourable Sirs, as to their affections; they who have lived with them, and participated with them in the toils and dangers of the Service, are at least as competent witnesses to their character as those who know nothing about them, but as a body of men with whom they have no sympathies and no connections, and who, enjoying their immense and munificent salaries, cannot feel for the privations, nor honour the profession of a soldier.

Your Memorialist subscribes himself, with real sentiments of submission to your Honourable Court, and a deep sense of its justice,

Honourable Sirs,
Your most obedient and faithful Servant,
(Signed) A. ST. LEGER,
Lieut. Colonel.

Fort St. George,
19th June 1809.

My dear St. Leger, Perturah Roads, 25th Feb. 1809.

I have just arrived in these Roads in the Piedmontaise; all is settled, and settled entirely and wholly by you.

Not having leisure to send you official copies of my letters to Chalmers and Cuppage, when you have read the enclosed, seal it, and forward it with a copy of my letter to you.

Your's, truly,
(Signed) C. MACAULAY.

(True copy.)
(Signed) A. ST. LEGER.

To the Chief Secretary to Government.

Sir,

I have received your letter of the 17th, directing me to embark on board the Devaynes on the 20th instant.

I beg you will inform the Honourable the Governor in Council, that nothing is more remote from my thoughts than to disobey any order he may deem it expedient to issue; but I beg you at the same time to communicate to him a fact, of which possibly he may not be apprized, that I found it necessary, from the severe measures he has been pleased to adopt against me, to apply to the Laws of my Country for redress.

For that purpose I have made an application, by complaint on oath, to the Supreme Court, according to the directions of the Act of Parliament, by which I am entitled to compel the production of evidence sufficient to sustain my Action, in order to prosecute it in the King's Court at Westminster.

As the Supreme Court is not at present sitting, it is highly essential to the remedy which I am seeking, that I should be at this Presidency when the Court meets, which I am informed is the 18th of next month, in order that I may enter into the securities required by the Act for the prosecution of the suit in England.

I have the honour to enclose a copy of the Affidavit in which my Complaint is stated.

The Honourable the Governor in Council will therefore see, that the execution of the order for my embarkation on the 20th instant will have the effect of cutting off from a British

[No. 3.]

Enclosure in Chief Sec.'s Letter, 29 June 1809.

ſubject his remedy in a Court of Law, a remedy which, by a poſitive Act of Parliament, has been provided for thoſe who ſuffer oppreſſion in India.

Having ſaid this, I beg leave alſo to ſtate, that if the Honourable the Governor in Council ſhould renew the orders for my embarkation, I ſhall conſider it as being done with the intention of preventing me from that ſpeedy redreſs which the Act of Parliament points out the means of obtaining. But whatever may be their determination, I hope that the avowal of my intentions to lay my injuries before an Engliſh Jury will not be conſidered as the mere threat of an angry man, but the mature and deliberate reſolution of an Officer to vindicate his character in the moſt public manner.

With this Proteſt, I again repeat, that I ſhall not diſobey the order of the Governor in Council for my embarkation on the 20th, ſhould he, after this communication, think proper to order it.

I have the honour to be, &c.

Madras,
18th June 1809.

(Signed) A. ST. LEGER,
Lieut^{t} Col^{l}.

THE Honourable Arthur St. Leger, late Commandant of the ſixth regiment of Native Cavalry in the ſervice of the Honourable Eaſt India Company, maketh oath, and ſaith, That he has been unjuſtly ſuſpended from the ſervice of the Honourable Eaſt India Company, and ordered to proceed to England by an order of Sir George Hilaro Barlow, Baronet, and Knight of the Bath, in Council of Fort St. George, by virtue of a General Order of the ſaid Governor in Council, dated firſt of May one thouſand eight hundred and nine: And this Deponent further ſaith, in obedience to ſuch laſt-mentioned order, this Deponent was proceeding to Trichinopoly, but that at Madura this Deponent received from Colonel Wilkinſon, commanding the Southern Diviſion of the Army, acting under the authority and at the inſtance of the ſaid Governor in Council of Fort St. George, another order, whereby this Deponent was prohibited from proceeding to Trichinopoly on his route to Fort St. George, this Deponent's houſe and property then and ſtill being at Trichinopoly, and ordered to proceed to Sadras, and from thence to Poonamallee; and that if this Deponent heſitated to obey the laſt-mentioned order, this Deponent was ordered to be placed under a Captain's guard, and marched to priſon: And this Deponent further ſaith, That the General Order of the ſaid Governor in Council, whereby this Deponent hath been ſuſpended from the ſaid ſervice of the Honourable Company and ordered to proceed to England as aforeſaid, was publiſhed in the ſeveral newspapers of the ſaid Preſidency of Fort St. George; and that the cauſe of the aforeſaid ſuſpenſion of this Deponent, as notified in the ſaid newspapers by the ſaid Governor in Council, was falſely therein ſtated and alledged to be, that the Deponent had been active in promoting the circulation of a certain Paper addreſſed to the Right honourable the Governor General, and that this Deponent had employed the influence which he this Deponent derived from the important command confided to him this Deponent, by the Government, for the purpoſe of ſubverting its authority, and ſpreading diſaffection among the troops which it had entruſted to this Deponent's charge: This Deponent further ſaith, That he did not circulate nor promote the circulation of the ſaid paper or any other paper addreſſed to the Right honourable the ſaid Governor General; and that he this Deponent hath not at any time employed the influence he this Deponent derived from the command held by this Deponent, or any influence whatever, for the purpoſe of attempting the ſubverſion of its authority, and ſpreading diſaffection among the troops entruſted to his this Deponent's charge; and that the aforeſaid publication in the ſaid newspapers by order of the ſaid Governor in Council, as it reſpects this Deponent, is a falſe and malicious libel on this Deponent's character as an Officer: And this Deponent further ſaith, That the ſaid crime, as laid to his charge in the ſaid General Order, is, according to the Articles of War for the Company's troops, puniſhable with death; and that this Deponent hath not been tried or found guilty by a Court Martial of any military offence whatſoever, notwithſtanding this Deponent hath demanded a Court Martial to be held on this Deponent for the ſaid crime falſely laid in the ſaid charge: And this Deponent further ſaith, That he hath, by the above-mentioned unjuſt ſuſpenſion from the ſaid ſervice of the ſaid Honourable Company, been deprived of great emolument; and that his character hath been much injured by the aforeſaid publication: And this Deponent further ſaith, That he intends to proceed againſt the ſaid Sir George Hilaro Barlow on the return of this Deponent to Great Britain, in His Majeſty's Court of King's Bench, by two ſeveral Actions for damages ſuſtained by this Deponent in conſequence of the aforeſaid unjuſt removal and ſuſpenſion of this Deponent, and by the publications of the aforeſaid falſe, ſlanderous and malicious libel of and concerning this Deponent: And this Deponent further ſaith, That in purſuance and by virtne of an Act, paſſed in the twenty-firſt year of His preſent Majeſty, relative to oppreſſion and injuries committed by any Governor General, or any Member or Members of the Council of Calcutta; and by another Act of the thirty-ninth and fortieth years of His ſaid Majeſty, which extends the like proceedings to oppreſſions and injuries committed by the Governor and Members of the Council of Fort St. George, he this Deponent intends to apply to the Supreme Court of Judicature at Fort St. George, for an Order to compel the production in the ſaid Court of true copy or copies of the Order or Orders of Council whereby this Deponent hath been ſo ſuſpended and ordered to proceed to England aforeſaid, and to have the ſame authenticated by the ſaid Supreme Court, and to examine Witneſſes on the matter of this Complaint, this Deponent being ready and willing to execute a Bond with a reſponſible

perſon

perſon to the Honourable Eaſt India Company, effectually to proſecute the ſaid Complaint by Actions as aforeſaid, immediately on the arrival of this Deponent in England, and within two years after the making of the ſame, and of the return of the ſaid Sir George Hilaro Barlow to England, agreeable to the directions of the ſaid Act paſſed in the ſaid twenty-firſt year of His ſaid Majeſty.

(Signed) A. ST. LEGER.

Sworn, &c.

[No. 3.]

Encloſure in Chief Sec.'s Letter, 29 June 1809.

[No. 3.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copies of Letters from the Chief Secretary of the Government of Fort St. George, to the Secretary of the East India Company, in the Secret Department; dated the 27th May, and 28th and 29th June, 1809: With their Enclosures.

Received via Bengal, 10th April 1810.]

Ordered, by The House of Commons, *to be printed,*
25*th May* 1810.

[No. 4.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copy of a LETTER from the GOVERNOR GENERAL to the SECRET COMMITTEE; dated Fort St. George, 12th October 1809:—With its Enclosures.

Ordered, by The House of Commons, *to be printed, 25th May* 1810.

To the Honourable the Secret Committee of the Honourable the Court of Directors.

HONOURABLE SIRS,

[No. 4.] Letter from Gov. Gen. 12 Oct. 1809.

1. I HAVE the happiness to congratulate your Honourable Committee, on the termination of the dangerous troubles which have agitated this Presidency, since the month of January.

2. Greater perils have, perhaps, never threatened the possessions of the honourable Company, or the British Empire in India, and so great an alarm has seldom subsided so suddenly, so entirely, and with so fair a prospect not only of the permanent restoration of former security and tranquillity, but of the improvement of those blessings.

3. The fortunate issue of this formidable struggle is to be ascribed generally to the inflexible firmness which has marked the character and measures of Sir George Barlow's Government throughout this trying season, which did not allow a moment of success to the insubordination of the Army in any of its objects, and has preserved the authority of legal Government unbroken and unimpaired by the dangerous example of prosperous revolt. But the final and unqualified submission of the revolted officers has been more particularly and immediately brought about by the wise energy of the later measures, the object of which was two-fold; First, to separate the faithful from the disaffected; Secondly, to withdraw the Native Troops from the controul of officers who were in open rebellion, and to replace the Company's Army at the disposal and under the orders of its Government.

4. The measures of the 26th July had these important purposes in view. A declaration of mere fidelity to the duties attached to their commission was to be tendered to every officer in the service; such as refused, were to be suspended from their military functions, and separated from the troops; and explanations were then to be given to the latter, that might induce them to acknowledge the power of Government, and to obey such officers as should be appointed to command them.

5. A judicious distribution of the troops had been previously made at the different stations of the Army to favour the execution of this measure, and it proved entirely successful at all the southern stations.

6. The officers very generally refused the test, but they all submitted to the order which removed them from their corps, and the native troops without any exception, in a manner which strongly evinced sincerity, their exclusive submission and attachment to the honourable Company and its Government.

7. By the effect of this measure a great proportion of the disaffected body was disarmed; and a great part of the force on which the revolted officers had counted

[No. 4.] for the profecution of their defperate defigns, was ranged under the ftandard of Government.

Letter from Gov. Gen. 12 Oct. 1809.

8. Another benefit perhaps not lefs important was obtained by thefe meafures, in conveying to the native foldiers, ftill under the direction of the difaffected officers at feveral of the moft confiderable pofts, a knowledge of the real ftate of affairs, and an example furnifhed by their own body of the conduct which their duty required; circumftances, which in proportion to their probable influence on the mind of the Sepoys, could not avoid infpiring their officers with doubt and diftruft concerning the fupport they might expect from them if the conteft with Government fhould proceed to extremity.

9. The natural effect of thefe circumftances was much enhanced at Secundrabad, the principal ftation of the Hydrabad fubfidiary force, by the appointment of Colonel Clofe to that command, and by the courageous and vigorous attempt he made, in the very face of the revolt, to detach the native battalions from their officers, and recall them to the fervice of the Company.

10. He was overborne it is true on the fpot, but the impreffion appears to have been made, efpecially on the Native officers, and to have afterwards matured itfelf into difpofitions which increafed the alarm of the officers. Thefe caufes, aided by fome concurring circumftances, and as I wifh to believe by fome confiderations of a character more favourable to the credit and honour of the fenior and leading officers of the force, produced a fudden revolution in their views and conduct. They fubmitted in a body; figned the teft unconditionally, and threw themfelves on the mercy of Government.

11. This event induced, of neceffity, the fubmiffion of the detachment at Jaulna, and of the garrifons of Seringapatam and Maſulipatam; the whole Army followed thefe examples, and its fubmiffion became abfolute and general.

12. Such was the fortunate and welcome change which met me on landing at Fort St. George the 11th of September.

13. When I embarked at Fort William the 5th of Auguft, the moft recent event was the mutiny and revolt at Maſulipatam. I received alſo at ſea, with conſiderable uneaſineſs, caſual accounts of an engagement between the King's and Company's troops at Seringapatam.

14. Your honourable Committee will better conceive than I can deſcribe the ſatisfaction and joy with which I learnt events ſo important and auſpicious.

15. The only certain and infallible iſſue of a conteſt ſo unnatural and ſo lamentable as that which we might have had to maintain, was the total and irretrievable ruin of thirteen hundred Engliſh gentlemen who were engaged in this enterpriſe, equally criminal and hopeleſs, a conſequence which muſt itſelf have embittered the victory of Government, and if it had been complete deeply enhanced the diſaſters and reverſes which the public might have experienced in the conflict.

16. That the Government of India backed by the power of the Empire muſt have finally and, it is probable, ſpeedily triumphed, I have always firmly believed: but if the Sepoy battalions had in truth, as their officers appear never to have allowed themſelves to doubt, adhered to their cauſe, and if they had afterwards felt themſelves preſſed by the loyal force at the command of Government, and deprived of the ſubſiſtence and proſpects which till then they had enjoyed in the advantageous and honourable ſervice of the Company, it is likely that their reſentments would have been directed againſt thoſe who had betrayed them to their ruin in the purſuit of criminal deſigns, totally foreign to their own intereſts or concerns; and it is impoſſible to foreſee the dreadful and fatal extremities to which thoſe feelings might have impelled them againſt a ſmall body of gentlemen entirely in their power, and unprotected by thoſe reſtaints of diſcipline which they had themſelves diſſolved; nor is it poſſible to define the limits of more general diſorder and ruin prompted by ſuch a fearful example. Many other deplorable conſequences of ſuch a Civil War may be imagined, and need not be detailed.

17. That a general revolt of the officers of a whole Army in a diſtant province ſhould have been ſubdued, that a Civil War of the moſt alarming and calamitous character, with all the miſeries and dangers inſeparable from ſuch events, has been averted,

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Letter from Gov. Gen. 12 Oct. 1809.

averted, is of itſelf matter of great and ſubſtantial conſolation. But my ſatisfaction was much encreaſed by the important circumſtance of this reſult having been obtained by the counſels and reſources of Fort St. George itſelf, that is to ſay, the very Government whoſe power had been defied. This ſentiment ſtruck me forcibly in the firſt moment and has been confirmed by every hour's reflection ſince. I have thought it indeed of ſo much moment to the public intereſts, that in addition to the pleaſure I perſonally feel in doing juſtice to Sir George Barlow's public merits, and to my ſtrong ſenſe of the ſignal ſervices he has on this trying occaſion rendered to his country, the circumſtance to which I have alluded has become a freſh motive to mark, as I have been careful to do, in every public document that has a reference to theſe events, the obvious and deciſive influence of his character and meaſures in producing that happy iſſue which is the ſubject of the preſent communication.

18. It is, at the ſame time, a duty which I diſcharge with the greateſt ſatisfaction, to bring in this place to your notice the concurrence of other cauſes, and the diſtinguiſhed merits of other perſons and bodies of men in the production of this reſult; the abſence of which indeed muſt have much increaſed the difficulties of Government, if they had not diſappointed the public object.

19. One great and powerful ſupport to the authority of lawful Government, and the intereſts of Great Britain, has been the ſteady and zealous loyalty of His Majeſty's officers and troops.

20. The ſlighteſt backwardneſs on their parts would have ſtrongly promoted the cauſe of ſedition, and encouraged both the Company's officers, and poſſibly the Native troops, in the proſecution of extreme and deſperate meaſures. The ſound and honourable ſentiments, on the contrary, of this weighty body much diſcountenanced the erroneous opinions and falſe feelings of the malcontents, which the approved courage, diſcipline, and incorruptible fidelity of this European force, ſo much reſpected in Aſia, ſhook the confidence of the revolted Army, and added a ſolid and incalculable ſtrength to Government.

21. The fidelity of the Armies of Bengal and Bombay is alſo to be accounted amongſt the reſources of the Government of Fort St. George. Thoſe who took a lead in the revolt were ſo ſenſible of the impreſſion which would be produced on the minds of their aſſociates, by a knowledge of the truth on the ſubject, that no means of impoſture and fabrication were omitted, to eſtabliſh a belief in the ſupport of thoſe powerful bodies.

22. This allegation was entirely deſtitute of foundation with regard to both Armies, and the impoſition was detected in Bengal by the indignant reſentment of the officers of that Eſtabliſhment, at the ſcandalous and calumnious imputations which had been caſt upon them by the Committees of the Coaſt Army, and the true ſentiments of the Bengal Army have already been conveyed in numerous addreſſes, profeſſing the ſoundeſt principles of Military ſubordination and Civil obedience; and breathing the pureſt ſpirit of profeſſional honour, loyalty, and patriotiſm.

23. The refutation of the falſehood, ſo long and induſtriouſly circulated reſpecting the promiſe of ſupport from the other Preſidencies, had not waited however for theſe public diſavowals, and that deluſion had been generally diſſipated on the Coaſt, forming indeed another feature of the particular period when the diſaffected ſuddenly renounced their deſperate enterpriſe; and the faithful Armies of Bengal and Bombay may enjoy the ſatisfaction of having contributed to the ſupport of the authority of the Company, and the cauſe of their Country, by the mere force of character and honour, without the neceſſity, always painful in Civil contentions, of vindicating their principles by the employment of their arms.

24. The ſteady ſupport which throughout this ſeaſon of anxious exertion has been furniſhed to Sir George Barlow by the majority of his Council, has, next to the energy of his own character, given ſtrength and efficiency to his Adminiſtration, in contending with this evil.

25. In doing juſtice to theſe gentlemen, it is not my intention to reflect on the conduct of Mr. Petrie, whoſe opinions have led him to diſſent from his colleagues on ſome of the principal meaſures of this period.

[No. 4.] Letter from Gov'. Gen. 12 Oct. 1809.

26. In a caſe of criſis however, where, to place the matter on a broad and general ground, a ſtrong Government might reaſonably be accounted eſſential (if I may uſe that phraſe) to the ſafety of the Commonwealth, the diſſent of a member of Council ſo conſiderable in ſtation, character, and talents, muſt give additional value to the uſeful and efficient ſupport which Sir George Barlow and the public cauſe have derived from Mr. Oakes and Mr. Caſamaijor.

27. I have much ſatisfaction in thinking, that the ſupport which has uniformly been afforded by the Supreme Government to the Government of Fort St. George, throughout theſe troubles, has not been ineffectual.

28. The views I entertained very early concerning the true character of the faction, out of which this extenſive and formidable confederacy has grown, and concerning the neceſſity of a vigorous oppoſition to every ſtep that was made in a concerted plan of military ſedition, have already been ſubmitted to the honourable the Court of Directors in the Diſpatch from Bengal, under date the 11th April, referring to a Letter which had been addreſſed to the Preſident in Council at Fort St. George on the 20th February, a copy of which has been forwarded to the honourable Court.

29. I have been ſtrongly confirmed in the ſentiments I had firſt conceived on this ſubject, by the progreſs of events; and my conduct has been directed alike by fixed and fundamental principles of policy which I profeſs on theſe ſubjects, and by what has appeared to me to be their juſt application to the circumſtances of the particular caſe.

30. Feeling as every prudent man, and eſpecially every ſtateſman ought, the frequent expediency, which I might indeed call neceſſity, of mutual accommodation and conceſſion in the controverſies and contentions of mankind, and having learnt from the wiſdom of one, whoſe leſſons have become laws to the world, that compromiſe muſt be admitted (if I may ſo expreſs myſelf) amongſt the elements of human intercourſe; I am inclined, however, to rank military ſedition and revolt amongſt the few exceptions to this ſalutary and healing principle. Much, for that very reaſon, may and ought to be done to avert a conteſt in which, when once kindled, conceſſion does not find its place, and conciliation itſelf changes its properties, tending rather to exaſperate than appeaſe.

31. The revolt of an Army, of which the object is to overawe and controul the Government, appears to me to exclude compromiſe, and I regard it as one of thoſe evils for which the only remedy is a firm, vigorous, and determined oppoſition.

32. Your honourable Committee will find this principle diſtinctly profeſſed on every occaſion which has called for the expreſſion of my ſentiments on the ſame ſubject, and I am the more induced to tranſcribe, in this place, a paragraph of the Letter addreſſed by the Governor General in Council to the Governor in Council of Fort St. George, dated the 20th of February; and a paſſage of a Letter addreſſed alſo by the Supreme Government to the Government of Bombay, under date the 10th October 1808; becauſe the principles conveyed in theſe papers have, in the courſe of the late agitations on the Coaſt, been referred to by the Governor in Council of Fort St. George, as affording ſanction to the vigorous ſyſtem purſued by that Government in repreſſing the ſeditious violence with which it has had to contend.

Extract of the Letter addreſſed by the Governor General in Council to the Governor in Council of Fort St. George, dated 20th February 1809.

Par. 7. "We cannot conclude without recommending to you in the ſtrongeſt "terms to perſevere in repreſſing with dignity and temper, but by meaſures of "firmneſs and energy, that ſpirit of inſubordination to the authority of Government, "which we are concerned to obſerve has of late prevailed in ſome portions of the "Army of Fort St. George, and we aſſure you of our fulleſt ſupport in the main-"tenance of your juſt authority, and in your endeavours to reſtore due order "and ſubordination throughout the Military branch of the Eſtabliſhment."

Extract of Letter addreſſed by the Supreme Government to the Government of Bombay, under date the 10th October 1808.

Par. 26th. "As to menace or any attempt at intimidation, the caſe is not to "be ſuppoſed; the ſuppoſition alone would conſtitute a more real injury and "inſult,

" inſult to the honourable men who compoſe the Bombay Army, than any it is [No. 4.]
" poſſible they ſhould ever have to complain of. But if in any quarter of the world,
" where we might happen to be the depoſitories of public authorities, a caſe ſhould Letter from
" ariſe, our minds are ſettled on the only principle adapted in any circumſtances to Gov. Gen.
" that exigency; to admit of no compromiſe with an evil, far greater than any 12 Oct. 1809.
" that can be incurred by reſiſting it, but to maintain the full unqualified ſovereignty,
" which is in reality the ſafety of the ſtate, by combating either the ſeditious com-
" bination and cabals, or the criminal violence of its ſervants, to the laſt and utmoſt
" extremity. We are clear that whatever temporary inconvenience might in ſome
" predicament be avoided by declining ſuch a conteſt, conceſſion to menace or
" clamour can never happen without operating a general and permanent relaxation
" of authority, and diminution of all the public energies throughout the empire in
" which it occurs."——Par. 27. " We take the two pillars of every human
" Government to be, firſt, that its meaſures be directed to the public good; next, that
" its authority thus exerciſed be maintained with unſhaken firmneſs and reſolution."

33. Such being my own principles on this ſubject, and ſuch being the principles which Sir George Barlow's own mind had adopted as the foundation of his meaſures, and as the rule of his policy in this difficult conjuncture, it became an obvious duty on my part to afford him the fulleſt ſupport which could be derived from the ſupreme authority of India, and to add to the efficiency of his own ſyſtem, whatever force could be ſupplied by the manifeſtation of my cordial concurrence in his meaſures, and of my determination to ſtrengthen his hands if the occaſion ſhould require it.

34. In conformity with theſe views, the Letter from the Governor General in Council of the 27th May was framed in reply to the communication from Fort St. George of the General Order of the 1ſt May, and after accounts had reached us of the extenſion and increaſing violence of the confederacy to which that General Order appeared to have furniſhed either the motive or the pretext.

35. Sir George Barlow had expreſſed an opinion that ſome explanation of the profeſſional duty of Officers, obviouſly too little underſtood or too much diſregarded in the Army of the Coaſt, and a ſtrong recommendation of juſter notions and better feelings than were then prevalent, conveyed from the Supreme Government at this period might produce a ſalutary effect.

36. Our Letter was written therefore with the double view of proclaiming a firm ſupport to the Government of Fort St. George againſt the growing violence with which it was menaced and of conveying uſeful inſtruction, enforced by friendly exhortation and counſel, to the Officers of the Army. The Letter itſelf having been already tranſmitted to your honourable Committee by the Government of Fort St. George will require no further obſervation in this place, and it is forwarded as an encloſure of this Diſpatch only for the ſake of regularity. List, No. 2.

37. I began about this period to ſuſpect that the growing violence of the Army might ere long induce a criſis which would demand the additional ſupport of the perſonal authority attached to my office; but knowing that Sir George Barlow would give me notice when that moment ſhould arrive, and receiving as yet very favourable reports from him of the hopes which might be entertained of the Army's ſpeedy return to ſubordination and obedience, I did not take the reſolution of repairing to Fort St. George until the accounts reached me, on the 10th of July, of the open mutiny and rebellion which had broken out at Maſulipatam, accompanied by information, too credible, of the connection of theſe events with a general conſpiracy of the whole Army, conducted by a very regular and perfect organization of Committees, and ſecret modes of correſpondence from one end of the Peninſula to the other.

38. I then felt that Fort St. George was my proper poſt, and that I could not, in a conjuncture ſo awful, with-hold the ſuperintending powers veſted in my perſon, without ſhrinking from one of the few occaſions, in contemplation of which they were conferred, and without a dereliction of the principal duties annexed to my ſtation. My departure was delayed only by the indiſpenſable preparations both from my abſence from Fort William, and for the exerciſe of my functions at Fort St. George.

39. In this interval I received from ſeveral quarters, and eſpecially from ſome of the officers ſuſpended by the General Orders of the 1ſt May, who had come to Cal-

[No. 4.] Letter from Gov. Gen. 12 Oct. 1809.

cutta, various accounts of the progreſs made by the diſaffected officers towards meaſures of a deſperate character. Having conceived a ſuſpicion that theſe officious reports, always of unwelcome events, might be conveyed to me, whether true or falſe, with views of intimidation, I felt it more than ever neceſſary, and exactly in proportion indeed to the increaſing motives of alarm, that no encouragement ſhould be furniſhed to the deſperate counſels of the Army by any hope of weakneſs or wavering in the mind of Government. I had opportunities of impreſſing on theſe confederates and correſpondents of the revolted Army, my determination to conteſt the cauſe of legal Government in India to the laſt extremity, and eſpecially to the ruin of the pub lic Enemy.

40. As an example of the tone I thought it adviſable to maintain with the perſons alluded to, I tranſcribe, in this place, a ſhort Reply which I made to the firſt intelligence of the events at Maſulipatam, communicated to me by Lieut. Colonel Robert Bell, late Commandant of the Coaſt Artillery at the Mount, but then at Calcutta.

"To Lieut. Clonel Bell.

"Sir, 10th July, 1809.

"I return you my beſt thanks for the important but afflicting accounts you ſent me "this morning of the revolt at Maſulipatam. I cannot for a moment imagine that ſo "great a crime ſhould receive ſupport or countenance from an Army of Engliſh gen- "tlemen and ſoldiers. I am heartily concerned for the misfortunes which await the "miſguided men, who have embarked in theſe deſperate and diſgraceful courſes: "The time is come when honour and duty require that every man ſhould make his "firm and diſtinct election between rebellion and his Country.

"I have the honour, &c."

41. I apprized General Hewett, whoſe head-quarters were then at Merut on the northern frontier of your Provinces, of the lateſt events on the Coaſt, and intimated the poſſibility of an occaſion ariſing for reinforcing the Government of Madras from Bengal; I requeſted his Excellency to keep that contingency in view, and to conſider of ſuch a plan as he ſhould deem adviſable for that purpoſe, without adopting however ſuch actual meaſures as ſhould divulge that intention until the neceſſity for it ſhould become more apparent.

42. I took the liberty, at the ſame time, of recommending his early return to the Preſidency, for the purpoſe of ſuperintending any Military arrangements that might eventually become expedient.

43. My motive for poſtponing the manifeſtation of ſuch preparations in Bengal was an anxious deſire to find affairs ſtill open to accommodation on my arrival at Fort St. George, and to avoid therefore any ſtep which ſhould precipitate events in a moment ſo critical and delicate; many aſſurances had reached me that my arrival would be the ſignal of ſubmiſſion, and although I might reaſonably ſuſpect that ſuch a diſpoſition, if it exiſted, might be founded on expectation of conceſſion, which I ſhould certainly have diſappointed, yet it did not ſeem impoſſible that men advancing by ſuch rapid and alarming ſtrides to their own deſtruction, ſhould catch at the pretence of a new authority in order to retract from the fearful courſe they were purſuing, with ſome ſalvo for falſe pride, and with leſs repugnance to the unjuſt but paſſionate and inveterate malignity they had conceived or profeſſed againſt the perſon of the Governor of Fort St. George.

44. The occaſion however was likely to be loſt for ſubmiſſion, if a movement of troops were obſerved in Bengal, and a deſire on the part of the revolted officers to anticipate an expected reinforcement to Government, might lead to extreme meaſures from which there would be no retreat.

In purſuance of the ſame views it was ſettled with my colleagues, that the Vice Preſident in Council ſhould concert ſecretly ſuch plans of ſuccour to the Government of Fort St. George as ſhould not diſcloſe that intention until I ſhould apprize them of my wiſhes on the ſubject from Madras, unles they ſhould receive earlier accounts of the actual commencement of hoſtilities, in which caſe meaſures were to be immediately adopted for tranſporting troops from Fort William to Madras, and furniſhing other reinforcements to the Coaſt; the Vice Preſident in Council did accordingly, on receiving advice of the engagement near Seringapatam, with the greateſt promptitude and judgment iſſue Orders for embarking His Majeſty's 14th Regiment

Regiment from the garriſon of Fort William, and 22d from Berhampore; and for advancing two battalions of Native Infantry from Cuttack to the frontiers of the Northern Circars, which Orders remained in courſe of execution, until the ſubmiſſion of the officers on the Coaſt enabled the Vice Preſident in Council to recal them. [No. 4.] Letter from Gov. Gen. 12 Oct. 1809.

45. Previous to my departure I thought it adviſeable to acquaint the Army of Bengal officially with the criminal exceſſes to which the ſedition on the Coaſt had proceeded at Maſulipatam; and I have the honour to encloſe a copy of the General Orders iſſued upon that occaſion. Liſt, No. 3.

46. It happened that this paper reached the Hydrabad ſubſidiary force and ſome other ſtations of the Coaſt Army at the critical period already referred to, when the officers began to waver in their deſigns, and the laſt paragraph in the General Orders appears either to have favoured the new diſpoſitions, to which other and much more cogent motives had given birth, or to have been employed as an additional means of perſuaſion by thoſe who wiſhed, late indeed, but earlier than the reſt, to abandon themſelves and recall others from the dangerous and fatal courſe they were running.

47. The paſſage alluded to was repreſented, and ſeems to have been underſtood, as written in a ſpirit of moderation, and as encouraging the hope of conciliation, by which muſt have been meant, ſo far as it was employed as an argument of ſubmiſſion, the hope of a lenient judgment on thoſe who ſhould reſign themſelves implicitly to the authority and diſcretion of Government.

48. What ſhare this and many other of the minor and concurrent inducements to ſubmiſſion may have practically had in producing the fortunate termination of theſe diſorders, it may not be altogether immaterial to conſider; and I have thought it right in point of juſtice, not to omit the enumeration of any motive, to which it is the wiſh of thoſe who placed themſelves at the mercy of Government to aſcribe that reſolution, becauſe a more or leſs favourable view of that ſubject might juſtly and materially operate either to the advantage or prejudice of a numerous, and by their profeſſion, their former merits and ſervices, a ſtill reſpectable body of our countrymen. The whole of this queſtion will find, however, a more proper place in the ſequel, and I proceed to lay before you an account of the principal occurrences and meaſures ſince my arrival at Madras on the 11th of September.

49. I felt a great deſire to weaken as little as poſſible the influence of Sir George Barlow's Government by the intervention of a new authority; and in that view, as well as to devote my whole mind more excluſively to the great object which had required my preſence, I took the reſolution recorded in my *Minute* of the 12th September, a copy of which I have the honour to encloſe. Liſt, No. 4.

50. On the ſubject, however, which had brought me to Madras, I felt it to be a point both of duty and policy to form a ſeparate and individual judgment.

51. I ſhould have diſcharged imperfectly the truſt for which the extraordinary powers I was then about to exerciſe had been veſted in my perſon; I ſhould have ill appreciated the momentous matter I had before me, and I ſhould have lowered in a manner prejudicial to the permanent efficiency of your Indian Government, the high and paramount authority of my office, which for purpoſes alike of remedy and of ſupport in their ſeveral caſes, it is ſo important to hold high in the eſtimation and reverence of India, if I had profeſſed only a blind concurrence in Councils in which I was come to preſide; I ſhould at the ſame time have brought to the Government of Fort St. George a very feeble acceſſion of ſtrength, if my ſupport had conſiſted only in an additional ſignature unſanctioned by the deliberation and deciſion of a ſeparate and ſuperintending judgment.

52. I determined, therefore, to purſue a perſonal inveſtigation of the facts, followed by a mature deliberation on their reſults, before I ſhould adopt any reſolution, or even commit myſelf on any of the principal points depending.

53. I profeſſed openly, at the ſame time, my readineſs to receive from every quarter, ſo far as the urgency of the awful affairs depending admitted, either written or verbal communications; and eſpecially on the part of thoſe whoſe ſafety or fortunes might be involved in the judgment I had to pronounce.

54. The documents furniſhed by Government alone were extremely voluminous, and much time was engaged alſo in peruſing the memorials, examining the documents, and liſtening to the ſuggeſtions and repreſentations of individuals.

55. The

[No. 4.] Letter from Gov. Gen. 12 Oct. 1809.

55. The deliberation was itſelf the moſt anxious that could be ſubmitted to the human mind, and the judgment was painfully diſtracted between the demands of public juſtice, and the deep intereſt of ſociety, in the vindication of military diſcipline and public order, the claims of individual juſtice, the validity and effect of exculpatory pleas, the indulgence due to human error and infirmity, and the compaſſion excited by the humiliation and misfortunes of a ſubdued adverſary.

56. It will ever be ſome matter of grateful and conſoling reflection, that the final judgment I have had to pronounce, was founded on ample and careful enquiry, and on repeated and anxious meditation; from which, ſo far as the capacity of my mind has admitted, no conſideration has been excluded that could affect either the public or individuals, or which either juſtice or humanity could ſuggeſt.

57. That judgment is conveyed in the General Order iſſued in my name on the 25th of September, a copy of which I have the honour to encloſe.

58. As the grounds of this meaſure are ſtated pretty fully in the paper itſelf, I need not trouble your honourable Committee with a detailed diſcuſſion of the ſeveral intereſting points compriſed in it.

59. Your honourable Committee will ſee that I have ſtudied to combine, as far as thoſe oppoſite principles would admit, the correction of great and dangerous offences with a mitigating ſpirit of clemency and mercy.

60. The two governing principles have been, firſt, that example was indiſpenſable; ſecondly, that the greateſt meaſure of lenity, compatible with that object, was conſiſtent with the public intereſt as well as promoted by natural feeling.

61. In a caſe of ſuch general participation by a numerous body in the offence which is to be puniſhed, it is obvious that the penalty cannot be extended to all; and that ſome muſt be ſelected for example, whoſe puniſhment, while it atones for the general crime, muſt inflict upon the reſt alſo, if they are men and have human hearts whoſe guilt they expiate, a penalty little ſhort of their own doom.

62. That the examples need not be numerous is my opinion. A ſolemn but not vindictive ſacrifice to juſtice will ſuffice to aſſert the authority of Government and to ſatisfy the offended laws. It will ſufficiently eſtabliſh alſo, not by a cold calculation of chances, but by a deep and ſevere impreſſion, the hazard which attends crimes, and the affliction which follows guilt, even when the perſonal danger is eſcaped.

63. I reflected that the maſs of the offending officers were to be neceſſarily replaced in ſtations of truſt, that our Native Armies were ſtill to be commanded by them, and that whether the penalty ſhould fall on few or comparatively on many, our Army was ſtill to be compoſed of aſſociates in the common offence; policy therefore, if a more generous principle did not run before that colder motive, points to conciliation as the moſt expedient, as well as in many other points of view the moſt commendable foundation of our meaſures. The change in events has changed the principle; while revolt was on foot, conciliation, which would have been miſtaken or perhaps juſtly taken for weakneſs, muſt have impaired both dignity and power. After ſubmiſſion a conciliating courſe became a point not merely of prudence, but of magnanimity, conſulting the beſt and the only true pride of Government, and building up authority on the ſureſt baſis of human power.

64. It became my duty, and was an intereſting point of my enquiry, to aſcertain the claim to indulgence or approbation which either the Army at large, or individuals, might have derived from the circumſtances attending their return to their duty.

65. It would have afforded me the moſt cordial ſatisfaction to have diſcovered clearer traces of diſintereſted penitence, or of other meritorious motives for this ſudden and total revolution in the conduct of the Army.

66. The enquiry, indeed, need hardly extend beyond the Hydrabad ſubſidiary force at Secundrabad, for by the unconditional ſubmiſſion of that force, the keyſtone of the revolt was removed, and the whole fabrick crumbled at once to duſt and ruin. After that event, the neceſſity of ſubmiſſion was ſo apparent and the caſe ſo urgent, that the merit of a voluntary retreat cannot even be claimed by any other portion of the Army.

67. The

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67. The detachment at Jaulna had actually made two marches towards Hydrabad in compliance with a requiſition from Secundrabad, when their progreſs in rebellion was arreſted by advices from the troops at the latter place, of their ſubmiſſion to Government. The diſmay occaſioned by this intelligence could only be equalled by the indignation and fury excited in the minds of the Jaulna detachment, by an event which rendered the proſecution of their deſigns impracticable, and their renunciation of them fatal. They determined however, after ſome heſitation, to retrace their ſteps and reſume their poſt at Jaulna. In like manner no ſymptom of returning loyalty was perceived at Seringapatam, till the intelligence from Secundrabad and Jaulna diſcovered to them the hopeleſs and deſperate ſtate of their affairs. A preſſing Letter from the Hydrabad ſubſidiary force, at the moment of its ſubmiſſion, addreſſed to the garriſon of Maſulipatam, exhorting them to follow their example without a moment's delay, produced the firſt ſteps towards ſubordination at that place, and ſo of various other poſts and corps.

68. With regard to the Hydrabad force itſelf it may appear the leſs neceſſary to weigh very nicely the motives of their conduct, as the full benefit of a meritorious return to their duty has been allowed to them.

69. The operation, however, of the orders of the 26th July, the impreſſion made by Colonel Cloſe on the Native battalions, and growing indications of their alienation from the cauſe of the European officers, cannot but throw ſtrong ſhades upon the ſudden converſion of that force. It was brought about, indeed, entirely by the ſenior officers aided by the very laudable and no doubt, to ſome extent, efficacious exertions of Lieutenant Colonel Montreſor.

70. The junior part of the force was reclaimed with great difficulty, and the ſtrong doubts by that time entertained of the adherence of the Sepoys, was a principal topic of perſuaſion employed by the ſeniors in their endeavours to bring the former round to the new ſentiments they had themſelves adopted.

71. With all theſe ſtrong indications of inducements connected rather with deſpair of ſucceſs than with contrition and repentance, I have wiſhed to give their due weight to the motives alleged by the ſenior officers of the Hydrabad force, to have induced at that particular moment their return to the duties of ſubordination and obedience; and I am willing to think that the conſiderations of which they claim the merit, may be admitted to have come in aid of the more obvious and prudential reaſons already referred to for their conduct.

72. They repreſent themſelves, as I underſtand it, to have propoſed at no period any thing beyond intimidation, as a means of controuling Government, and extorting the conceſſions they required. They advanced from faction to ſedition, from ſedition to revolt; confident that each ſtep they made towards greater violence would ſuffice for their purpoſe. In this courſe they gradually arrived at the laſt narrow boundary, which they had yet to paſs, before the commencement of civil war; and while they yet heſitated on that laſt deciſive ſtep, the meaſures of Government convinced them, that intimidation would fail; and if they advanced further, the conteſt was actually to be maintained. They then deſcribe their ſenſe of the public evils incident to ſuch a conflict, and their compunction at becoming the immediate inſtruments of ſuch calamities, ſentiments which terminated in a reſolution, ſince Sir George Barlow would not yield to the Army, to ſacrifice their own objects and feelings to the public ſafety, and ſubmit themſelves implicitly to the diſcretion of Government.

73. Such is the moſt favourable account which has been ſuggeſted by themſelves of their converſion. There would remain, after all, an actual revolt to the extreme point of intimidation and menace, and ſtopping ſhort only of actual war, under circumſtances of very doubtful ſucceſs, or rather of utter impracticability and deſpair.

74. The truth is, that whatever ſatisfaction I ſhould derive from a favourable view of this explanation, on the outward aſpect alone of theſe tranſactions, I am precluded from giving eaſy faith to this refined account of an inſtant and ſudden retreat from long concerted deſigns, by leſs queſtionable teſtimony than any oſtenſible declarations; I mean the diſtinct avowal by the parties in their correſpondence with each other (intercepted by Government), that deſpair alone drove them to renounce their criminal projects. It is clear that the danger was preſſing, for they muſt have otherwiſe held out at leaſt to negotiate for their own ſafety; and they might naturally have been expected to wait in the ſame poſture for my arrival, ſince they ſtated

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themſelves to have conceived expectations, from the terms of my General Order to the Army of Bengal, of meaſures of conciliation and lenity.

75. I muſt yet acknowledge, that I fairly feel the probability that men advanced to ſuch a fearful paſs, upon ground ſo inſecure and ſlippery, may have earneſtly wiſhed to retreat from their deſperate enterpriſes, and it cannot be forgotten, that many in the multitude who have ſhared this frenzy, have been borne down the current from crime to crime, againſt their own better judgments and diſpoſitions. Theſe may truly be believed to have rejoiced at the firſt overture for retreat, and to have abandoned, with ſincere and honourable feelings of duty, projects to which they had lent an unwilling and compulſory concurrence.

76. I am alſo induced to ſay, that I am diſpoſed, from what has paſſed under my obſervation, to aſcribe to Major Neale, the ſenior officer of the Hydrabad ſubſidiary force, a lurking ſenſe of better principles in the midſt of his guilty participation in the crimes of that diſtempered period, and a ſincere, and perhaps even an earlier deſire than actually manifeſted itſelf, to recede from a ſituation ſo repugnant to the ſober judgment and natural feelings of every honourable man.

77. Under all the conſiderations ſtated in this Diſpatch, and in the General Order of September 25th, I am perſuaded your honourable Committee will approve the ſpirit of grace, oblivion, and entire reconciliation, which forms the character of this meaſure. I have the ſatisfaction to underſtand, that it has made a favourable impreſſion on thoſe who are the objects of it, and that if cordiality towards the Government of Fort St. George ſhould yet be retarded by the vehemence of prejudice and paſſion, long blindly indulged, better ſentiments may be expected to ariſe gradually, and all apprehenſion may be baniſhed from this hour of a relapſe into diſorder and inſubordination.

78. I have the honour to encloſe two General Orders, iſſued in my name to the Army alſo on the 25th September, conveying my juſt acknowledgments of the zeal, efficient ſupport of His Majeſty's Troops, and of the fidelity of the Native Troops of this Eſtabliſhment; and to theſe I beg leave to add my General Order of the 4th October, concerning a practice the continuation of which there was, in ſome inſtances, reaſon to apprehend, and which muſt have effectually precluded the return of general harmony, which is ſo much to be deſired. I allude to combinations and pledges to exclude from ſociety and otherwiſe inſult thoſe who may have quitted the guilty cauſe of revolt before the general ſubmiſſion of the Army. I flatter myſelf the admonition and advice conveyed in that Paper may not be ineffectual.

79. Having ſtated the principle meaſures which have been adopted ſince my arrival at Madras, your honourable Committee might naturally expect that I ſhould enter, on this occaſion, more fully into the origin, motives, and principles of the very general and alarming revolt of ſo large a proportion of your Military Eſtabliſhment. I feel the importance of that inveſtigation; and having had no earlier opportunity of forming a judgment founded on full information, and uncombined with the important and urgent principle which governed my conduct in Bengal, I mean the indiſpenſable neceſſity of affording to the Governor of Fort St. George unqualified ſupport againſt ſedition and revolt, I cannot neglect to avail myſelf of the facilities I now poſſeſs for that purpoſe, and ſhall apply my mind carefully and impartially to that general and intereſting enquiry. It is no doubt, upon ſuch an inveſtigation, that your future ſyſtem ought to be founded, and that I ſhould alone be juſtified in ſubmitting to your conſideration any ſuggeſtions that may ariſe in my mind upon that ſubject.

80. Opinions of ſuch moment ought, however, to be mature, and the remaining period of my reſidence here, which will probably not exceed the firſt week of December, will not be more than ſufficient to render any ſentiments I may ultimately entertain on queſtions ſo large and complicated, affecting concerns of ſuch high value, worthy of the quarter to which they will be addreſſed. I ſhould wiſh alſo for a little more knowledge and further experience of the real diſpoſitions left or created in the minds of the officers of this Army by the late ſtormy ſeaſon, and the calm which has ſucceeded it.

81. I cannot, however, permit myſelf to ſuppreſs ſome ſuggeſtions for your immediate conſideration, becauſe no doubt remains on my mind concerning their juſtice or expediency, and much of the impreſſion may depend upon their earlier or later adoption.

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Letter from Gov. Gen. 12 Oct. 1809.

82. The point to which I now allude, is the reward of thoſe who have conſpicuouſly contributed to the ſignal and invaluable benefit which the Company has received by the ſuppreſſion of this dangerous revolt. Your honourable Committee, and indeed the public of England, will have probably paſſed through an interval of great alarm, before the happy and providential iſſue of theſe troubles could relieve the anxiety inſeparable from ſuch occaſions. From your ſentiments and feelings during this aſpect of your affairs, the extent of the late danger, and the value of your preſent ſecurity may be well appreciated without enlarging on thoſe points.

83. The firſt and moſt preſſing object appears to me under theſe conſiderations, and I am entirely perſuaded will be felt by your honourable Committee, to be a public and ſignal acknowledgment, both from the honourable Company and from His Majeſty's Government, of Sir George Barlow's eminent ſervices. He has conducted your bark out of this tempeſt into ſafety, not by any ſtroke of fortune or by any ordinary meaſure of exertion, but by the uniform unſubdued application of firmneſs, courage, and fortitude, riſing in proportion to the difficulties to which they were oppoſed. A moment's relaxation of theſe great and rare qualities would have delivered over your Government for ever in bondage to your Army, and, by diſſolving the diſcipline of the latter, would have extinguiſhed the efficacy at once of your Civil and of your Military power.

84. There are other very powerful motives for affording your marked and diſtinguiſhed countenance to Sir George Barlow. One of the conſtituent and moſt active principles of this criminal confederacy has been, an unfounded but rancorous diſaffection to his perſon. I ſpeak with concern undoubtedly, but without embarraſſment or ſcruple, on that ſubject, becauſe whatever odium has been malignantly caſt upon his name, has been earned by the ſteady inflexible diſcharge of public duty, and by efforts in your ſervice, not in themſelves more grateful perſonally to him than to other men, but falling more particularly by the courſe of events within the period of his adminiſtration.

85. To conſent that he, who in the higheſt ſtations of truſt and confidence has intrepidly performed important but ungrateful ſervice, ſhould be borne down by party diſcontents, and eſpecially by an armed faction, is I am ſure contrary alike to your honourable Committee's ſenſe of juſtice, and your enlightened views of policy.

86. For purpoſes of conciliation, I have done much in mitigation of puniſhments, but it would be a vicious indulgence of that principle to ſacrifice the claims of fidelity and ſervice to the paſſions of adverſaries. I have therefore omitted no opportunity of pronouncing, even in the ears of thoſe to whom it ſounds moſt harſhly, the claims of Sir George Barlow to public eſteem and gratitude.

87. It is on theſe principles that I preſume to preſs this ſuggeſtion on your notice, more earneſtly than it would become me to do, if I did not feel its deep and fundamental importance in the preſent conjuncture of your affairs.

88. I am not prepared to enumerate thoſe individuals, either in the Civil or Military department, whoſe ſervices have merited the honour of your notice: but I will venture at preſent to ſubmit ſome names highly deſerving of your conſideration.

89. Major General Gowdie ſtands undoubtedly firſt in that claſs. The high and reſponſible ſtations he has filled during this period of difficulty and criſis, his ſteady adherence to that which the nature of the times had rendered his primary duty, a firm and uniform ſupport of Government againſt ſedition, and of diſcipline againſt ſyſtematic inſubordination, ſoftened only by the influence of a temperate and conciliating mind, will I am perſuaded recommend him to your countenance, and to ſome mark of public approbation.

90. Mr. Oakes and Mr. Caſamaijor, whoſe important ſhare in the fortunate reſult of the late arduous and menacing ſtate of your affairs has already been mentioned, will I doubt not ſtand high in your eſteem and favour, and experience the ſatisfaction of ſeeing their faithful and moſt uſefnl ſervices graced by ſome mark of public approbation and acknowledgment.

91. Colonel Munro appears to me particularly entitled to that countenance and ſupport which are wiſely and juſtly extended to thoſe, who in the faithful and able diſcharge of public duties are made the objects of factious and malignant perſecutions.

[No. 4.] Letter from Gov. Gen. 12 Oct. 1809.

92. Several officers both of His Majeſty's and the Company's Eſtabliſhments have rendered conſpicuous and diſtinguiſhed ſervice by a more than uſual diſplay of zeal, talents, or energy. Theſe ſhall be the ſubject of future communication; but I cannot omit even now the name of the honourable Arthur Cole, acting Reſident at Myſore, whoſe firmneſs, activity, and ardour, directed by the ſoundeſt judgment and prudence, have contributed in a very memorable degree to the maintenance of the Company's authority and the ultimate ſuppreſſion of revolt in the very ſeat of the worſt and moſt formidable diſorder.

93. I hope to addreſs your honourable Committee further in a few days by His M. S. Rattleſnake, which Rear Admiral Drury is ſo good as to appoint to convey our Diſpatches direct to England.

I have the honour to be, with the greateſt reſpect,
Honourable Sirs,
Your faithful humble ſervant,
MINTO.

Fort St. George,
12th October 1809.

ENCLOSURES.

(Enclosure No. 1.)

GENERAL ORDERS

By the Right Honourable the Governor General in Council.

Fort William, 20th July 1809.

Enclosure No. 1. in Gov. Gen. Letter 12 Oct. 1809.

THE Right honourable the Governor General in Council has received private but authentic advice, that Orders having been iſſued by Major General Gowdie, the Officer commanding in Chief on the Coaſt, to Lieutenant Colonel Innis, commanding at Maſulipatam, directing the embarkation of one or more detachments of the Madras European regiment on board of His Majeſty's ſhips, for the purpoſe of ſerving as marines, the officers of the ſtation were induced to entertain the erroneous ſuppoſition, that the object of thoſe orders was to ſeparate and finally to diſperſe that regiment, a deſign which the Government of Fort St. George has formally and ſolemnly diſavowed; and under the influence of this miſapprehenſion, declared their reſolution to reſiſt the execution of them; but Lieutenant Colonel Innis having manifeſted a determination to enforce them, the officers of the garriſon proceeded to the barracks, and by perſonal repreſentations ſucceeded in ſeducing the troops from their duty, and in obtaining from them a promiſe of ſupport; that Major Storey, the next in command who was then in the cantonments, proceeded to the garriſon, and having endeavoured without ſucceſs to induce Lieutenant Colonel Innis to depart from the obligations of his public duty, by abandoning his reſolution to carry into effect the orders which he had received, adopted the extreme meaſure of placing that officer in arreſt under the charge of European ſentries.

The Governor General in Council has deemed it neceſſary to apprize the Army of Bengal of an event ſo deeply intereſting to the feelings of every loyal ſubject, and eſpecially of thoſe who have the honour to bear a military commiſſion. The Governor General in Council has received, with ſentiments of the deepeſt affliction, the intelligence of the exceſſes into which the officers of the ſtation of Maſulipatam have thus been gradually led by the effects of the late prevailing agitation in the Army of the Coaſt. He truſts, however, that this unhappy event will afford a ſerious but ſalutary warning of the danger to which the combined intereſts of the Public and the Army muſt ever be expoſed by the firſt and ſlighteſt departure from the eſtabliſhed principles of military diſcipline on one hand, and on the other, of a juſt ſubordination to the laws of their Country, and to the legitimate authority of the State.

The occurrence of this afflicting event, combined with the agitation which unhappily prevails among the officers of the Army of Fort St. George, renders it the duty of the Governor General to proceed without delay to that Preſidency, in the hope of being enabled ſucceſsfully to appeal to thoſe ſentiments of loyalty and attachment to their King and their Country, which his Lordſhip in Council yet confidently aſcribes to the general body of the officers of the Coaſt Army, whoſe zeal, fidelity, and profeſſional achievements have hitherto been the theme of juſt and unqualified applauſe;

applauſe; and by an accurate knowledge of all circumſtances which have attended the late agitation, to deviſe ſuch means as may beſt tend to avert the impending dangers of anarchy and inſubordination, and re-eſtabliſh the foundations of public ſecurity and natural proſperity in this important branch of the Britiſh Empire. [No. 4.] Enclofure No. 1. in Gov. Gen. Letter 12 Oct. 1809.

(Signed)

(A true Copy.) (Signed) *N. B. Edmonſtone*, Sec^r

(Enclofure No. 2.)

MINUTE of GOVERNOR GENERAL.

Governor General. Fort St. George, 12th September 1809.

IN taking my ſeat at this Board, I am ſure I ſhall have entire credit in the aſſurances I am nevertheleſs anxious to record, that the exerciſe of the power or rather of the performance of the duties attached to the office of Governor General reſpecting his preſence at the other Preſidencies, has been ſuggeſted on this occaſion to my mind by no diffidence in the wiſdom or energy of the honourable perſon who has been appointed to fill this Chair, or of his honourable and able colleagues. I have given the ſureſt pledge of my entire confidence in the Government of Sir George Barlow, by the uniform and cordial ſupport which, with the hearty concurrence of my colleagues, I have afforded to his meaſures throughout this ſeaſon of criſis and trouble, and down to the hour of my embarkation. Enclofure No. 2. in Gov. Gen. Letter 12 Oct. 1809.

A criſis had indeed arrived before I would allow myſelf to obtrude a new authority in the conduct of affairs which were directed by counſels every way ſo worthy of confidence.

It was the peculiar nature and conſtitution of the troubles which agitated this Government, and of the body with which the conteſt was to be maintained, that appeared to me to render not the aid of counſel or advice, but the acceſſion of authority which my preſence at Fort St. George would furniſh of material and urgent importance.

The events were of a deſcription which will not wait for the ſlow operation of diſtant references. A revolted Army muſt, according to my principles, be met by prompt and inſtant deciſion; and although neither wiſdom nor energy were wanting in the counſels of Fort St. George, I conceived that efficacy might be added to their meaſures by the intervention of new and higher power.

While, on theſe principles, my duty has called me to Madras, it does not require that I ſhould diſturb, by unneceſſary intruſion, the ordinary diſpatch of buſineſs and the current affairs of this Preſidency which, although the law requires that they ſhould bear my formal ſanction, I ſhall better conſult the general intereſts of the Company by requeſting the honourable Preſident and his colleagues to tranſact in the uſual and accuſtomed manner.

It can ſtill leſs be advantageous to the public, and it is wholly foreign to my views and diſpoſition that I ſhould impair the authority and influence of the regular Government by interfering with the patronage of the Preſident, and diverting that important inſtrument of Government from its preſent pure and judicious direction.

It was matter of the higheſt ſatisfaction and joy to my mind, that I found, on my arrival at Madras, this dangerous revolt already ſubdued by the perſonal firmneſs, deciſion, and energy of the Governor of Fort St. George. Theſe great and, in ſuch ſeaſons, rare but invaluable qualities were in my apprehenſion never poſſeſſed or diſplayed in a higher degree, or exerted with more ſignal and deciſive influence on the affairs of mankind than by Sir George Barlow in the ſtormy period which is paſt. That his Sovereign and Country will honour the magnanimity and fortitude of the man, and appreciate the value of his eminent ſervices I cannot doubt; and that obloquy purchaſed by the pure and inflexible diſcharge of ungrateful but ſacred and indiſpenſable duties, will be effaced in its appointed hour by univerſal reſpect and eſteem, my confidence in the ultimate triumph of truth and juſtice perſuades me firmly to believe.

That thoſe troubles have been compoſed before my arrival, and by the proper energies and reſources of the very Government that was the object of attack, appear to me a circumſtance of great public moment and beneficial in a ſignal degree to the local Government of this Preſidency, as well as to the general intereſts of India.

Some points of much and delicate concern yet remain for our conſideration. To thoſe I ſhall give my immediate and anxious application, and I ſhall ſubmit to the Board the earlieſt judgment that is conſiſtent with a mature and informed deliberation.

(Signed) MINTO.

(Enclosure No 3.)

GOVERNMENT GAZETTE EXTRAORDINARY,

Monday 25th September 1809.

Fort St. George, 25th September 1809.

G. O. By the Right honourable the Governor General.

[No. 4.) Enclosure No 3. in Gov. Gen. Letter 12 Oct. 1809.

ON my arrival at Fort St. George, I learnt that ſeveral important changes had taken place in the affairs of this Preſidency; ſubſequent to the events which had come to my knowledge at the period of my departure from Bengal.

The firſt attack of open revolt which had already been committed by the garriſon of Maſulipatam had been followed by proceedings not leſs criminal and deſperate at ſome of the moſt conſiderable ſtations as well as at ſome ſubordinate poſts of the Army. Theſe meaſures had been undertaken in connection with a guilty combination and concert, the extent of which I cannot contemplate without the deepeſt concern.

I had cheriſhed, as long as events would yet allow me to do ſo, that cordial eſteem for the Army of the Coaſt at large which a long and uniform diſplay of every military virtue had, till this calamitous ſeaſon, ſo well juſtified, and which had led me, perhaps too pertinaciouſly, to aſcribe the prevailing diſorders rather to a partial than to a general defection from duty.

This habitual regard for the Army of Fort St. George has much embittered the neceſſity of renouncing even for an interval, and I truſt I may now ſay a ſhort one, ſentiments which were once ſo juſt and are ſtill ſo grateful to my mind.

It is a matter of ſatisfaction to reflect, that I have yielded theſe favourable impreſſions to the evidence of facts alone, and that it has required thoſe ſcenes which have been acted in open day, without affecting even the decency of concealment, to extort from me the reluctant acknowledgment of a too general participation in the late criminal confederacy, which, while it caſts a wider ſhade over the former reputation of this Army, has alſo given to their proceedings a more ſerious and awful character, ſince the blow which the conteſt alone, but which ſucceſs even without conteſt, would yet more certainly have ſtruck into the boſom of their Country, muſt have been proportionally the deeper and more incurable.

The anxiety and grief which would have attended the neceſſity of ſuch a conteſt as this ſtate of things appeared likely to require, has however been ſpared me, by the return of the officers to their duty, a final renunciation of the criminal deſigns which had directed their late conduct, and an unqualified ſubmiſſion to legal authority before my arrival at Madras.

The leading and principal facts had been placed ſo entirely beyond doubt or queſtion by the bold undiſguiſed character of the revolt, and the general principles of the deliberation on which I was entering are ſo plain and manifeſt in themſelves, that a reſolution might perhaps have been ſafely taken with little reflection or delay.

The conſequences however of the judgment I had to pronounce, on one hand to the public intereſts, and on the other to a numerous body, whoſe title to reſpect and regard could not be entirely effaced from my mind even by the culpable exceſſes of a ſhort and diſtempered period, were ſo momentous, that I could not conſent to hazard a deciſion unſupported by ſuch previous inveſtigation both of fact and argument as the urgent nature of the ſubject admitted. It is matter of much comfort to my own mind therefore, and will, I doubt not, afford ſatisfaction to others, that the meaſures I have now to announce to the Army, have been the reſult of individual enquiry as to facts, and of the moſt mature as well as anxious perſonal meditation on every point of juſtice, public policy, and official duty, which ought to guide the deliberations and counſels of a Government on ſuch a queſtion.

I have not neglected to look back once more to the origin of theſe troubles, and I am conſtrained to repeat the ſentiments I have already delivered on that branch of the ſubject. Nothing can juſtify the revolt of the Army; but I have been diſappointed in my ſearch even for circumſtances of mitigation in this revolt. No injury

injury has, in my apprehenſion, been done to the Army, in any ſtage of a conflict which began in a factious attack on Government. But if in the neceſſary vindication of authority any point may have ariſen which might be thought intereſting to the Military Body at large, the regular and legitimate recourſe to the ultimate authorities was not only open, but was actually in progreſs. Seditious combination therefore can find no apology in the caſe, neither can puniſhments inflicted on individual acts of ſedition furniſh a juſt provocation to general confederacy.

[No. 4.] Enclosure No. 3. in Gov. Gen. Letter 12 Oct. 1809.

The commiſſion of crimes draws after it the penalties attached to them, and in this proceſs, it is Government which is driven to repeat puniſhments and multiply reſtraints by the growth and repetition of offences; it does not lie in the offenders mouth to ſay, that they have been driven to the commiſſion of crimes by the repetition of puniſhments.

Such, however, appears to have been the falſe and inverted principle by which this contagion has ſpread from a partial faction to a general revolt.

The later exceſſes of the revolted officers appear to have ſought a juſtification, and perhaps to have found ſupport, from an error extremely ſimilar.

The neceſſary, becauſe the only effectual means of defence which Government could employ againſt the violence with which it was threatened, have been converted into arguments of greater violence, have been treated as crimes and as new provocations to that very rebellion, by which theſe meaſures were themſelves rendered indiſpenſable.

On the other hand, I have examined with more than impartiality, that is to ſay, with an earneſt deſire to eſtabliſh the moſt favourable concluſions for the officers of this Army, all the circumſtances which attended, and might be ſuppoſed to have influenced the ſudden return of the Army to its duty. I am little inclined to pronounce an adverſe and ungracious judgment on that intereſting point. I will not, however, either on this or on any other occaſion, ſacrifice truth to the indulgence of my perſonal diſpoſition and wiſhes, and I have to regret that neither the particular circumſtances of the moment, nor the ſpecific information which has fallen under my obſervation can warrant as clearly as I wiſh the opinion I am deſirous of entertaining, that the ſubmiſſion of the Army to legal authority may be excluſively aſcribed to a returning ſenſe of duty, and the mere operation of public principle. I am at the ſame time unwilling to probe that queſtion more deeply than the occaſion requires; and I am entirely diſpoſed, amongſt the complicated motives of an action good in itſelf, to diſcern at leaſt the co-operation of worthy and honourable inducements. The latter ſentiment has not been excluded from the conſiderations on which my judgment has been formed, and has been allowed a moſt welcome and acceptable influence on the final meaſures that have been adopted.

It is not my intention to enlarge on the grounds of the opinions I have now delivered, and I have touched upon them only for the purpoſe of explaining one of the principal foundations of my deciſion. The acts being in themſelves highly criminal, I have diſcovered neither in the motives that led to them, nor in the immediate inducements to ſubmiſſion, ſufficient palliation to entitle offences ſo dangerous to our Country and the world, to ſimple impunity and pardon. Clear and incapable of doubt as this propoſition is, I have not yielded my implicit and final aſſent to it, without a repeated review of every conſideration that could oppoſe that concluſion, nor without many ſtruggles of private ſenſibility and feeling againſt the lamented conſequences which muſt practically reſult from it. But theſe are queſtions not of private ſenſibility but of public truſt. I have in charge the diſcipline of future armies. The maintenance of that fixed and immutable principle, that Military bodies are ſubordinate to the State, in a word, the fundamental ſecurities of human aſſociation. I cannot exclude from my mind the intimate conviction, that the total impunity of revolt under all the circumſtances of the preſent events, is not compatible with thoſe ſecurities; that the ſilence of the law, in the caſe of arms turned againſt the Government that gave them; of fortreſſes ſeized by thoſe who were ſtationed to protect them; of troops ſeduced by the officers to whoſe better guardianſhip they were committed, could be aſcribed to no motive, and produce on the minds of thoſe who ſhould witneſs it, even from a diſtance, no impreſſion favourable to obedience and diſcipline. Upon what diſtinction ſhall we rely hereafter in the puniſhment of inferior offenders, and acts of minor inſubordination, when impunity is the eſtabliſhed reſult of mutiny, in which the officers of a whole Army were the actors, and of which their ſuperiors and commanders have been the principal promoters and leaders!—

[No. 4.]
Encloure No. 3. in Gov. Gen. Letter 12 Oct. 1809.

This painful argument is extorted from me, not for the purpoſe of reproach, but to fortify my unwilling judgment in the afflicting but inevitable concluſion, that total impunity is forbidden by every obligation of my high truſt.

There is yet, I hope, a mitigating principle in the moſt auſtere exerciſe of Engliſh juſtice, that juſtice, which, while it obeys the call of public ſafety, is ever acceſſible to the interceding voice of clemency and mercy. A lenient, and even a tender adminiſtration of juſtice, is at once the boaſt and privilege of our glorious and happy Country.

From its ſterner duties I muſt not entirely ſhrink; but if I am prompted, by the beſt propenſities of every human boſom, to infuſe into the correction of ſubdued offences the largeſt meaſure of indulgence compatible with the ends of juſtice, I ſhall be but a faithful repreſentative of our common Sovereign, and ſhall but illuſtrate and exemplify the national character of his people. To this truly Engliſh virtue I ſhall appeal, if any one ſhould think that, either in the gratification of perſonal feelings, or in emulation of the characteriſtic lenity of England, I may have given too wide a ſcope to indulgence, and have done too little for public diſcipline.

In purſuance of theſe views, the principle I have thought myſelf at liberty to adopt, has been to limit the number of puniſhments, ſince impunity cannot be general, and to mitigate their degree to the utmoſt extent of lenity, not entirely incompatible with the public good, and the indiſpenſable demands of juſtice.

In the execution of this principle, it has been neceſſary to make a ſmall ſelection from a great maſs of delinquency, all ſubject in ſtrictneſs to the penalties of the law; and that ſuch a choice ſhould neither be capricious nor ſubject to the ſuſpicion of partiality, I have adopted general criterions, the principles of which are manifeſtly juſt, and the application of which to particular caſes is ſubject to no difficulty.

The firſt ground of ſelection is the commiſſion of ſome overt act of rebellion or mutiny, ſuch as ſeizing on fortreſſes or public treaſure, actual hoſtility againſt the troops of His Majeſty, the Company, or its Allies, quitting the ſtation allotted to troops without orders, or the refuſal to obey the orders of Government.

This principle of ſelection would liberate a conſiderable proportion of the Army, but it would involve a much greater number than it enters into my views to exclude from pardon.

It is neceſſary, therefore, to ſelect from the numerous claſs already deſcribed a ſmaller number compriſed within a narrower head of diſtinction.

That ſelection is to conſiſt of the officers in command of ſtations or bodies of troops, commandants of corps or perſons peculiarly diſtinguiſhed for a forward and violent part in the moſt criminal acts or proceedings of the Army.

The whole of this highly criminal and peculiarly reſponſible, but not numerous claſs, will moſt juſtly be ſubmitted to a trial by Court Martial.

But as the Courts Martial may of neceſſity be bound to paſs ſentences of greater ſeverity than it is in contemplation to extend without diſtinction to the whole number of thoſe ſubmitted to trial, a more minute ſubdiviſion will yet be made, and the officers in command of garriſons or conſiderable bodies of troops will be ſeparated, on the ground of higher reſponſibility, from the commandants of corps. The former will be ſubjected at all events to trial, the latter will be allowed the option of a trial or diſmiſſal from the ſervice.

In order that no anxious uncertainty may remain concerning the application of theſe rules of ſelection to individual caſes, the names of all the officers intended for puniſhment are expreſſed in the following liſt. It will be found not to include the commandants of corps of Secunderabad, although that force fell too diſtinctly within the principle of ſelection, not only on account of the lead it aſſumed in the criminal combination and the violent proceedings of the Army, but as having committed open mutiny in refuſing to permit the march of 2nd battalion 10th Regiment to Goa.

I have however thought the example, which that force was the firſt to ſet to the revolted officers, of an early return to their duty, and the influence of that example upon other parts of the Army, may be admitted as a ground of ſpecial indulgence and pardon.

I have abſtained from looking too narrowly into the variety of poſſible motives that may be ſuppoſed to have actuated the ſenior officers of this force in their exertions to withdraw it from further reſiſtance to Government. In my deſire to reſtore my firſt eſteem to the officers of this Army, the better and more honourable inducements may be allowed at leaſt their ſhare in this commendable part of their conduct;

conduct; and, in my ſolicitude to extend the principle of clemency to its utmoſt allowable bounds, I have deemed the benefit derived both to the public and to the Army itſelf from the ſubmiſſion of the Hyderabad force ſufficiently important to warrant, even without regard to motives or inducements, the extenſion of indulgence to that body. It will be a ſignal teſtimony that Government is not unmindful of the ſervices which are rendered to it, and that, while it is impelled, only by neceſſity, to the exerciſe of its ſeverer functions, it ſeizes with ſatisfaction every opportunity to forgive and reward.

[No. 4.] Enclosure No. 3. in Gov. Gen. Letter 12 Oct. 1809.

LIST of OFFICERS to be TRIED.

NAMES.	RANK.	CORPS.	STATION.	REMARKS.
John Bell - -	Lieut. Col.	1ſt Battalion Artillery -	Senior Officer commanding Seringapatam - - -	To be tried by Court-Martial
John Doveton -	—	8th Regiment Cavalry -	Commanding a detachment of the Hyderabad Subſidiary Force at Jaulna -	
Joſeph Storey -	Major -	1ſt Battalion 19th Reg. N.I.	Senior Officer commanding Maſulipatam - - - -	
Robert Munro -	Lieut. Col.	2d Battalion 15th Regiment	Seringapatam - - - - -	To be tried by Court-Martial, or diſmiſſed the Service, at their option.
David C. Kenny	Major -	2d Battalion 19th Regiment	- - - - -	
F. F. De Haviland	Captain -	Engineers - - - - -	- - - - -	
George Cadell -	Captain -	12th Reg. N. I. and Town Major - - - - -	- - - - -	
Hugh M'Intoſh -	—	1ſt Battalion 8th Reg.	Marched without orders from Chittledroog to Seringapatam	
F. K. Aiſkill -	—	1ſt Battalion 15th Reg.		
A. Andrews -	—	Madras European Reg. -	Maſulipatam - - -	
James Patterſon -	—	1ſt Battalion 14th Regiment	Samulcottah - - -	
George Wahab -	—	1ſt Battalion 21ſt Regiment	Chicacole - - -	
James Sadler -	—	1ſt Battalion 21ſt Regiment	Ellore - - - -	
J. L. Luſhington	—	4th Regiment Cavalry -	Jaulna - - - -	
A. M. Leod -	—	8th Regiment Cavalry -	- - - - -	
C. Hopkinſon -	Capt. Lieut.	1ſt Battalion Artillery -	Senior Officer of Artillery at Jaulna - - -	
G. W. Poignand	—	Horſe Artillery - -	Senior Officer of the Corps at Jaulna - - -	
G. M. Gibſon -	Captain -	1ſt Battalion 10th Regiment	Jaulna - - - -	
Thomas Pollock -	—	1ſt Battalion 12th Regiment	- - - - -	
Mathew Stewart	Major -	2d Battalion 17th Regiment	- - - - -	
John Turner -	Captain -	1ſt Battalion 18th Regiment	Seringapatam - - -	

Reduced as the numbers contained in this melancholy liſt have been, by every conſideration to which a ſenſe of inviolable duty has permitted me to liſten, it has not been without the moſt afflicting agitation my mind has ever experienced, that I have affixed my final ſignature to the Order as it now ſtands.

It is with correſponding ſatisfaction and joy, I have now to perform the more grateful office of announcing to every other officer, who has been involved in any of the criminal proceedings of the Army ſince the 1ſt of May, a general and unqualified amneſty; to the benefit of which thoſe officers, who have hitherto declined the teſt, will be admitted on their ſigning that declaration.

This amneſty is not granted in the narrow ſpirit of mere pardon, it is tendered as an act of total and ſincere oblivion; it offers on the part of Government a full reſtoration of confidence and eſteem; and it invites from thoſe, who are the objects of it, not a ſullen diſcharge of conſtrained duty, but obedience which comes from the heart, and the cheerful animated ſervice of cordiality, affection, and zeal.

My ſentiments concerning the late events have been too clearly pronounced to admit of an amneſty thus general being ſo far miſinterpreted as to bring in queſtion the deep ſenſe I continue to entertain both of the guilt and the danger of thoſe actions to which this indemnity is granted. It is not on a principle of juſtification, but of pure indulgence unmixed with any other conſideration, that I have acted on this occaſion. I have recollected the proneneſs of our common nature to error, the dominion of the paſſions over reaſon; the influence of rank, authority, and talents over young and feeble minds, the powers of contagion, and the irreſiſtible torrent of general example. I have conſidered the ſmall and ſcarcely perceptible degrees by which innocent men are conducted, from the firſt ſlight tranſgreſſion, to crimes, the enormity of which their minds would have revolted at, if preſented at once to their view. To reſiſt theſe ſeductions is the part of ſound judgment and manly character.

[No. 4.]
Enclosure No. 3. in Gov. Gen. Letter 12 Oct. 1809.

Such efforts are moſt honourable to the diſtinguiſhed few who are gifted with the union of theſe qualities, but they are I fear too rare to be required of all. To ſuch conſiderations the extent of the preſent clemency muſt be referred.

When the officers included in this act of grace reflect on the happy change it has operated on their condition, I am ſure the firſt ſentiments of their breaſts will be thoſe of devout and fervent gratitude. It is my wiſh to point theſe acknowledgments to their proper objects.

Their firſt obligation is to the firm counſels and vigorous meaſures of that upright and honourable man againſt whom their hand has been ſo unjuſtly raiſed. To the fortitude of his mind, which muſt challenge the reſpect and eſteem even of his adverſaries, and to the energy of the Government of Fort St. George, the officers are indebted for their narrow eſcape from the guilt of a monſtrous and unnatural conflict with their Country, and from the ruin, which, in every poſſible iſſue of that conteſt, muſt have overwhelmed themſelves.

Next, for the recovery of life, honour, their own eſteem, the confidence of Government, the regard of their countrymen, and I truſt a firm ſecurity for the perpetual duration of theſe bleſſings, their grateful benedictions are due to the benevolent genius of their Country, of which I am only the organ.

If the accents of reproof have not been entirely excluded from this Addreſs, they have not been dictated by an angry or vindictive mind, and in the full aſſurance that they will never recur in the intercourſe between the Government and the Army of the Coaſt, I ſhall conclude with the laſt admonitions of a truer and ſafer friend than any flatterer of their paſſions and errors can ever be.

If in this awful moment I have acquired any title to their confidence and attention, let me implore them to think leſs lightly than it is evident their minds have been accuſtomed to do, of violating the firſt, the moſt ſacred, and the moſt characteriſtic duty of a Soldier, fidelity to the Power he ſerves. Let them think leſs lightly of turning the Arms they have accepted in truſt againſt the Government, which has repoſed that confidence in their probity. Let this be the true point of a ſoldier's honour, which ſtamps with infamy every ſpurious pretence to that ſacred title, every pretence which is in contradiction with this primary obligation, and which would ſtrangely and unintelligibly poſtpone a firſt engagement, for the performance of legal duties, to a poſterior and gratuitous pledge to commit crimes. Let them reflect on the guilt, the diſhonour, and the peril, exemplified but yeſterday, of this falſe caſuiſtry.

I intreat them to be perſuaded that no man of honour at the head of a Government will ever compromiſe with revolt, and that in every caſe the conflict muſt be carried to the laſt extremity. My ſentiments on that ſubject are not equivocal, and are not aſſumed for this occaſion. They have been pronounced long ſince, and previous to any indication of troubles on the Coaſt. My fixed and firm principle is, that the utmoſt evils that can flow from a conteſt with revolt, and even from defeat, are much inferior to the greater, more permanent, and more extenſive miſchief of conceſſion. In ſuch caſes the revolted party may recede, and will always do ſo with honour, ſacrificing nothing but paſſions and crimes. The Government againſt which the revolt is made has no option but to maintain the conteſt, or abandon its truſts, and fly from its duty.

My final and beſt advice is to reject the firſt ſtep that leads from the beaten track of profeſſional demeanour, as if the worſt extreme of ripened and atrocious guilt were propoſed at once to their acceptance. The wideſt ſtride of all is from innocence to guilt. That boundary once paſſed, the gradations of crime are ſhorter and leſs ſenſible. He who withholds his voice from early clamour, and his pen from the firſt irregular ſignature is ſafe and blameleſs: beyond that clearly defined line, all is perplexity and danger. With theſe friendly ſuggeſtions, prompted by a pure ſolicitude for the honour and welfare of thoſe whom I addreſs, I take leave even of admonition and of every other form of addreſs which can imply reproof; and, purging my mind of every painful recollection, embrace the happier proſpect which is now preſented to our view, by the final termination of public diſcord, violence, and trouble, and the re-eſtabliſhment, on a firm, and I truſt ſecure and permanent baſis, of tranquillity and order.

(Signed) MINTO.

(Enclosure No. 4.)

GOVERNMENT GAZETTE EXTRAORDINARY,

Wednesday, September 27th 1809.

Fort St. George, 25th September 1809.

G. O. By the Right Honourable the Governor General

[No. 4.] Enclosure No. 4. in Gov. Gen. Letter 12 Oct. 1809.

AT the moment when the sentiments of the Governor General respecting the late disorders on the Coast, and his determination with regard to the officers of the Army of Fort St. George, who have been led by a train of unhappy circumstances to place themselves in a state of opposition to the local Government of this Presidency, are annouced to the public; it becomes the special duty of the Governor General to publish his highest commendation of the exemplary conduct of the officers of His Majesty's military service; and of such of the officers of the service of the honourable East India Company, who, in the late crisis of general agitation, have resisted the contagion of example, and adhering to the obligations of public virtue, and professional duty, have manifested their zeal and fidelity in the cause of their King and their Country.

The Governor General accordingly takes this opportunity of expressing in General Orders his acknowledgments to those highly meritorious officers, who, at such a period of public danger, have stood forth to support the dignity and vindicate the authority of the Government which they serve; and to maintain those principles of Constitutional order and Military subordination on which the existence of every regular and civilized Government must depend.

Although the Governor General deeply laments an occasion on which the applause of distinguished loyalty and fidelity so justly bestowed on one portion of the officers of a British Army, is unavoidably contrasted with the errors of another, yet he confidently believes that the same honourable spirit of patriotic zeal, which has hitherto been inseparably connected with the character of the officers of this Establishment, continues to pervade the minds even of those who for a moment, already past, had ceased to obey its dictates; and that no memory or impression of this unhappy season of delusion and disorder will remain, that should impair the esteem, or disturb the harmony which have in all former times united every part of this Army.

(Signed) MINTO.

(Enclosure No. 5.)

Fort St. George, 25th September 1809.

G. O. By the Right Honourable the Governor General.

Enclosure No. 5. in Gov. Gen. Letter 12 Oct. 1809.

FROM the first establishment of the British Power in India, the zeal, fidelity, and subordination of the Native officers and troops belonging to the Presidency of Fort St. George, have been generally and eminently displayed. On occasion of public danger and of foreign war, they have employed their exertions with distinguished honour and success in the service of that Government from which they and their families derive their support, and to which they are indebted for the enjoyment of benefits and advantages unknown to the armies of the surrounding States of India. But their honourable qualities of loyalty and gratitude have never been more conspicuously manifested than at the period of the late commotion in the Army of the Coast, when exposed to the severest trial, their innate sense of honour and cordial attachment to the Government has led them to withhold their concurrence in the execution of measures subversive of its prosperity, and incompatible with the principles of their professional duty.

The Governor General, therefore, has the satisfaction of declaring to the Native officers and men of the Coast Army, the high sense which he entertains of their exemplary conduct on the late trying occasion; a conduct which has so amply justified the unbounded confidence of Government in the loyalty and attachment of its native troops. Obedience and fidelity to the Government is the common duty both of officers and soldiers; and the particular duty of soldiers is to yield implicit submission to the orders of their officers, in every case in which they are not forbidden to do so by the express prohibition of Government. The Governor General is therefore satisfied, that the native troops will permanently maintain their claim to the applause and approbation which it is the object of this Proclamation to bestow upon them, by the merit of their accustomed subordination and attachment to those who are appointed to command them.

(Signed) MINTO.

(Enclosure No. 6.)

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 4th October 1809.

[No. 4.] Enclosure No. 6. in Gov. Gen. Letter 12 Oct. 1809.

THE Right honourable the Governor General in Council having addreſſed the ſubjoined Orders to Major General Gowdie, commanding the Army, to be publiſhed to the Army, they are accordingly publiſhed in Military Orders.

Fort St. George, 4th October 1809.

G. O. By the Right honourable the Governor General.

The Governor General having attentively perufed the proceedings of a Court Martial, aſſembled by the orders of Major General Gowdie for the trial of Lieutenant M^c^ Cormick and Rowley, has judged it expedient that the crimes and ſentences ſhould be publiſhed to the Army. The ſenſe entertained by that honourable Tribunal of the nature and degree of criminality attached to the offence of which thoſe two officers have been pronounced guilty, will be ſufficiently evinced by thoſe documents.

It has become neceſſary to determine whether theſe ſentences ſhould be carried into effect, or whether the amneſty which, with ſome ſpecific exceptions, has terminated the diſorder of the late unhappy period, is to be conſidered as embracing alſo the caſes of theſe two officers.

In deliberating on this queſtion, the Governor General has obſerved, that the proceedings of the Court Martial were cloſed, and the ſentences pronounced ſome time before the amneſty was publiſhed. He was not apprized that any proceedings of that deſcription were either in progreſs or actually concluded. The caſe was not in his contemplation when his General Order was iſſued; and he ſhould not therefore, in ſtrictneſs, conſider his judgment as pledged by that order on a queſtion which he had no opportunity of conſidering.

The Governor General has nevertheleſs reflected, that the comprehenſive terms in which the amneſty has been proclaimed, and eſpecially the broad principles of oblivion and reconciliation which characterize the whole meaſure, may appear to many ſufficiently large to afford an interpretation favourable to theſe individuals, even under the circumſtances adverted to. Averſe therefore, as he muſt always be, to bring even into queſtion the faithful performance of a ſolemn promiſe, he has choſen rather to extend the general indemnity a little beyond its contemplated objects, and to incur the partial inconvenience of adding to the general maſs of pardon, the impunity of theſe two offences againſt diſcipline, than to hazard the ſlighteſt deviation, either in letter or ſpirit, from the obligations of public faith.

Under theſe conſiderations, he has requeſted Major General Gowdie to remit the ſentences and reſtore the officers to the Service, under a ſingle condition, the indiſpenſable neceſſity of which, both for public and private atonement, requires no argument. The condition is, that an ample and diſtinct apology ſhall be made to Captain Campbell, their commanding officer, for the contempt of his authority and inſult to his perſon, of which they ſtand convicted.

It would not be the wiſh of the Governor General to burthen an act of grace with any reflections that might either wound or humiliate the objects of it; but waving all retroſpective reproof, as applicable to this or any other antecedent caſe, he ſhould think he neglected the future intereſts of the public and the Army, if he omitted this occaſion of bringing ſtrongly to the notice and recollection of the officers of this Eſtabliſhment, the culpable nature and miſchievous conſequences of the practice which was the ſubject of the trials now under conſideration. That is to ſay, concerted inſult to thoſe who have either uniformly done well, or who, having fallen by the force of general example into the prevailing diſorders, have withdrawn themſelves from former errors, and returned to a faithful diſcharge of public duty. Such combinations againſt individuals, of which examples have not been wanting in the late troubles, but aſſume a much more criminal character in that ſtate of things which has ariſen out of the ſubmiſſion of the Army, followed by the amneſty announced by the General Order of the 25th September.

The Governor General truſts, that every diſpoſition to this ſerious offence has been extinguiſhed by thoſe events, but as it affords the only means that now remain, either for nurſing the ſeeds of Military diſorder, or for prolonging the diſcord of the

Army,

[No. 4.]
Enclosure No. 6. in Gov. Gen. Letter 12 Oct. 1809.

Army, ſome expoſition of its dangerous and malignant tendency appears peculiarly ſeaſonable.

To make a return to duty the ſubject of concerted affront and indignity, is in the firſt place a great breach of diſcipline. It requires a very clear cauſe to render ſuch meaſures of perſonal enmity to individuals tolerated in any circumſtances. No one can be ignorant of the diſpleaſure uniformly manifeſted, and of the puniſhment invariably inflicted in every caſe of ſuch offences againſt diſcipline, by the ſupreme Military authority of the Sovereign himſelf. Let any one imagine, therefore, what judgment would be formed on a complaint for ſuch an injury, the excuſe alleged for which ſhould be, that the party againſt whom it was levelled had withdrawn himſelf from a conſpiracy againſt His Majeſty; or, in a caſe ariſing in India, that he had renounced a further participation in revolt againſt the Company's Government.

In the next place, the continuance of ſuch practices extinguiſhes all hope of cordial and general reconciliation, by which alone the traces of paſt calamity can be obliterated, and the individual comfort and happineſs of the officers can be reſtored.

But laſt and chiefly, let it be remembered, that the offences which are the ſubject of theſe remarks are in total contradiction with every profeſſion of a return to duty. They demonſtrate the ſtill ſubſiſting ſpirit of Military combination, which is in itſelf a deep and dangerous offence. The combination in this caſe would be to ſtigmatize, by general and concerted meaſures, thoſe who relinquiſh criminal, and therefore invalid engagements, in order to fulfil the firſt indefeaſible obligations of profeſſional duty.

It muſt be recollected alſo, that thoſe who perſiſt in ſuch practices forfeit every title both to confidence and clemency. Clemency on the late occaſion has been founded on the hope, that the return of thoſe who ſhould accept pardon to the paths of fidelity and duty would be ſincere; and that every pledge, and every combination, that has the ſlighteſt reference to the late lamented period, ſhould be diſſolved and abjured for ever. To continue, therefore, or to renew ſimilar combinations in the very moment of accepting indemnity from the penalties of paſt tranſactions, muſt be felt to be a violation of public faith and perſonal honour, enhanced by the aggravation of the deepeſt ingratitude.

To ſincere and cordial reconciliation, which authority alone cannot enforce, the Army can only be invited and exhorted by every conſideration which ſhould influence their ſounder reaſon, and their better feelings. But to repreſs every open attempt to obſtruct the return of public harmony, by putting indignity upon individuals, who have the merit of an early retreat from error, is a fit and indiſpenſable object both of the vigilance and power of Government.

Under theſe impreſſions, the Governor General has thought it a point of candour to apprize, thus early, every ill-adviſed individual who might fall inconſiderately into that ſnare, that no future example of this offence can be exempted from puniſhment; and that every officer accuſed of it ſhall be brought to trial before a Court Martial, or, if the peculiar circumſtances of the caſe ſhould render it more adviſable, the charge ſhall be ſubmitted to the inveſtigation of a Military Court of Enquiry; and if eſtabliſhed by the proceedings of the latter tribunal, the officer ſo offending muſt be ſuſpended from the Service, ſubject to the judgment of the honourable the Court of Directors. (Signed) MINTO.

G. O. By Major General Gowdie.

The following extracts from the confirmed proceedings of a general Court Martial aſſembled at Quilon on Monday the 18th September 1809, by order of Lieutenant Colonel the honourable Patrick Stuart commanding the troops ſerving at Travancore, in virtue of powers veſted in him by the officer commanding the Army in Chief, and continued by adjournments until the 23d day of the ſame month, and of which Lieutenant Colonel Hamilton Hall of the 14th Native Regiment is Preſident, are publiſhed to the Army.

CRIME.

Lieutenant James P. M'Cormick, of the 2d Battalion 9th Regiment, placed under arreſt on the 20th Auguſt 1809, by order of the honourable Lieutenant Colonel Stuart commanding in Travancore, in conſequence of the following charges exhibited againſt him by me.

For unofficer-like and highly diſreſpectful conduct, ſuch as is totally ſubverſive of Military ſubordination, towards me while in immediate charge of the Corps, in the following inſtance.

[No. 4.] Enclosure No. 6. in Gov. Gen. Letter 12 Oct. 1809.

For coming to my quarters, accompanied by Lieutenant Rowley, and making uſe of the following expreſſions, viz.

That he and Lieutenant Rowley were deputed, by the officers of the 2d Battalion 9th Regiment Native Infantry, to inform me that they conſidered my conduct to be infamous, and that I was a diſgrace to the cloth which I wear.

Quilon, 9th Sept. 1809. (Signed) M. CAMPBELL, Captain, late in charge 2d Batt. 9th Reg. N. I.

SENTENCE.

The Court, having maturely examined the evidence in ſupport of the proſecution, as well as what the priſoner Lieutenant James M'Cormick has urged in his defence, is of opinion that he is guilty of the crime laid to his charge, viz.

" For unofficer-like and highly diſreſpectful conduct, ſuch as is totally ſubverſive of " Military ſubordination, towards me while in immediate charge of the Corps, in the " following inſtance, viz."

" For coming to my quarters, accompanied by Lieutenant Rowley, and making " uſe of the following expreſſions, viz."

" That he and Lieutenant Rowley were deputed, by the officers of the 2d Battalion " 9th Regiment N. I. to inform me that they conſidered my conduct to be infamous, " and that I was a diſgrace to the cloth I wear."

Which being in breach of the Articles of War, the Court does therefore ſentence the priſoner Lieutenant James M'Cormick to be caſhiered.

(Signed) R. MEARES, Officiating Judge and Advocate, Quilon, 22d September 1809. (Signed) H. HALL, Lieut. Colonel and Preſident.

Approved, but on account of exiſting circumſtances the Sentence awarded by the Court is remitted.

(Signed) FRANCIS GOWDIE, Major General, commanding the Army in Chief.

CRIME.

Lieutenant Rowley, of the 2d Battalion 9th Regiment N. I. placed in arreſt on the 20th Auguſt 1809, by order of the honourable Lieutenant Colonel Stuart commanding in Travancore, in conſequence of the following charges preferred againſt him by me.

CHARGE.

For unofficer-like and diſreſpectful conduct (ſuch as is totally ſubverſive of Military diſcipline) towards me when in the immediate charge of the Corps, in the following inſtance.

For coming to my quarters on the 20th of Auguſt laſt, in company with Lieutenant James M'Cormick, when that officer made uſe of the following expreſſions to me, viz.

" That he Lieutenant James M'Cormick was deputed, along with Lieutenant " Rowley, to acquaint me that the officers of the 2nd Battalion 9th Regiment con- " ſidered my conduct to be infamous, and that I was a diſgrace to the cloth I wear."

Quilon, 9th Sept. 1809. (Signed) M. CAMPBELL, Captain, late in charge 2nd Batt. 9th Reg. N. I.

SENTENCE.

The Court, having maturely examined the evidence in ſupport of the proſecution, as well as what the priſoner Lieutenant Rowley has urged in his defence, is of opinion that he is guilty of the crime laid to his charge, viz.

" For unofficer-like and diſreſpectful conduct, ſuch as is totally ſubverſive of "Military diſcipline, towards me when in the immediate charge of the Corps, in the " following inſtance."

" For coming to my quarters on the 20th Auguſt laſt, in company with Lieutenant " M'Cormick, when that officer made uſe of the following expreſſions to me," viz. " That he Lieutenant M'Cormick was deputed, along with Lieutenant " Rowley, to acquaint me that the officers of the 2d Battalion 9th Regiment N. I. " conſidered my conduct to be infamous, and that I was a diſgrace to the cloth " I wear." Which being in breach of the Articles of War, the Court does there-

fore ſentence him Lieutenant Rowley to be ſuſpended from Rank and Pay for the ſpace of twelve calendar months from this date.

[No. 4.] Enclosure No. 6. in Gov. Gen. Letter 12 Oct. 1809.

Quilon, 23d Sept. 1809. } (Signed) H. HALL, Lieut. Col. and Preſident.

Approved, but on account of exiſting circumſtances the Sentence awarded by the Court is remitted.

(Signed) FRANCIS GOWDIE, Major General, commanding the Army-in Chief.

Lieutenant Colonel Skinner of His Majeſty's 56th Regiment, and Major Travers of His Majeſty's 22d Regiment Light Dragoons will ſit as Members of the General Court Martial of which Major General Warde is Preſident, in the room of Lieutenant Colonels Hare and Montrelor relieved from that duty.

The following Removals are Ordered.

	From	To
7th Regiment Native Infantry:		
Lieutenant James Hampton	1ſt Battalion	2d Battalion
— George Spinks	2d D°	1ſt D°
8th Regiment Native Infantry:		
Major W. Blackburne	1ſt D°	2d D°
— J. Colebrooke	2d D°	1ſt D°
Captain E. Edwards	1ſt D°	2d D°
— J. T. Johnſon	2d D°	1ſt D°
9th Regiment Native Infantry:		
Captain J. C. Stokoe	2d D°	1ſt D°
— J. Y. Porter	1ſt D°	2d D°
Lieutenant J. M'Cormick	2d D°	1ſt D°
— J. Boles	1ſt D°	2d D°
11th Regiment Native Infantry:		
Captain James Patterſon	1ſt D°	2d D°
— James Brodie	2d D°	1ſt D°
— S. Lutwidge	2d D°	1ſt D°
— J. Woulfe	1ſt D°	2d D°
15th Regiment Native Infantry:		
Lieutenant W. Vaughan	2d D°	1ſt D°
— R. Richardſon	1ſt D°	2d D°
— S. Townſend	2d D°	1ſt D°
— John Hall	2d D°	1ſt D°
20th Regiment Native Infantry:		
Captain J. M'Kenzie	1ſt D°	2d D°
— G. Cuſtance	2d D°	1ſt D°

The following temporary appointments by the officer commanding the Travancore ſubſidiary force, are, under authority of Government, confirmed from the 6th September.

1ſt Battalion 13th Native Regiment.

Major Chaplin, His Majeſty's 19th Regiment, to Command.
Captain Jones D° to do Duty.
Lieutenant Harris 1ſt Battalion 4th Regiment, D°
Lieutenant Robertſon, His Majeſty's 19th, to act as Adjutant.

The nomination, by the officer commanding in Myſore, of Mr. Aſſiſtant Surgeon Gillepſie to the Medical charge of the Detachment of the 1ſt Battalion 8th Native Regiment, doing duty at Chittledroog, is confirmed from 8th Auguſt 1809.

[No. 4.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copy of a LETTER from the GOVERNOR GENERAL to the SECRET COMMITTEE; dated Fort St. George, 12th October 1809:—With its Enclosures.

Ordered by The House of Commons, *to be printed,*
25*th May* 1810.

[No. 5.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Copies of LETTERS from the Court of Directors to the Governor in Council at Fort St. George, in the MILITARY DEPARTMENT; dated the 15th and 29th September 1809, and 7th February and 1st May 1810.

Ordered, by The Houſe of Commons, *to be printed, 25th May* 1810.

General Letter from the Court of Directors, 15th September 1809: Military Department.

Our Governor in Council at Fort St. George.

Par. 1. OUR laſt Letter to you in this department was dated the 30th of Auguſt 1809. [No. 5.]

2. We have received your Letters of the 29th and 31ſt January, 3d and 28th February 1809, together with their ſeveral Encloſures; and we view with the deepeſt concern the tranſactions thus brought under our conſideration. Court of Directors, 15 Sep. 1809, to Governor in Council at Fort St. George.

3. We have at all times entertained a juſt ſenſe of the merits and ſervices of the Officers of our Army; and have taken every proper opportunity to evince that ſenſe, and our conſequent regard and attachment to their intereſts.

4. Of this habitual and deep-rooted ſentiment we have repeatedly given the moſt unequivocal proofs; and particularly in our late inſtructions to our Governments abroad in ſupport of the fair pretenſions of our Officers to poſts of honour and command: thus endeavouring to render the periods of their ſervice in India both honourable and advantageous, whilſt the ample proviſion made for their retirement in Europe, at an immenſe and indefinite expenſe, affords an inſtance of the regard and liberality of their employers not to be parallelled in any other ſervice. In aid of this laſt-mentioned object we have very recently (in our anſwer to ſome of the laſt diſpatches to Madras and Bengal) made liberal donations to the funds eſtabliſhed at thoſe Preſidencies for the maintenance and ſupport of diſtreſſed Officers, their wives and families.

5. Whilſt however we are thus attentive on the one hand, from ſentiments, not of juſtice and liberality only, but of attachment and eſteem to the intereſts and juſt pretenſions of our Officers, we muſt not on the other hand loſe ſight of the neceſſity and paramount duty impoſed on us of ſupporting the authority of the Governments under which thoſe Officers ſerve.

6. The ſupport of the ſupreme authority of our ſeveral Governments in India is eſſential to the preſervation of thoſe Governments; to the maintenance of civil order; to the protection of ſociety; and even to the well-being and exiſtence of the Army itſelf.

7. We are at all times deſirous to pay due regard to the repreſentations of our Officers, and extremely unwilling to impute cenſurable or unworthy motives to any of their

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Court of Directors, 15 Sep. 1809, to Governor in Council at Fort St. George.

their actions, but it is impoſſible for us to conſider their conduct in the tranſactions now brought before us otherwiſe than as highly improper and unmilitary.

8. It appears from the papers now brought under our conſideration that about the month of June 1807 your Quarter-Maſter General, Lieutenant Colonel Munro, in obedience to the orders of our then Commander in Chief at Fort St. George, Sir John Cradock (which orders were communicated to the Quarter-Maſter General by a Letter of the 7th of February, marked private and confidential) ſubmitted to his conſideration and approval, a paper purporting to be a plan for the proviſion of tents, and the carriage of the tents and ſtores of Native Corps, which articles had previouſly been ſupplied by a contract with the Commanding Officers of thoſe corps reſpectively.

9. This paper was ſoon afterwards laid before the Governor in Council by Sir John Cradock, who ſtated in the Minute which accompanied it, that "it would be "ſuperfluous in the extreme to urge at any length the validity of the arguments ſet "forth in the Quarter-Maſter General's Report, as he might ſay they conveyed the "reſult of their joint reflections upon the ſubject, and were the iſſue of that experience "which aroſe from their reſpective ſituations". It was approved by Mr. Petrie, when Preſident, who obſerved in his Minute on conſidering that paper, that the reſult of many of the ſtatements which he had delivered in 1803, when he oppoſed the opinions of General Stuart, who brought forward the meaſure of the tent contract, had been by the experience of paſt years completely verified, as well as the apprehenſions he expreſſed that both the public and individuals would suffer by that arrangement.

10. The plan ſo approved was, together with the report which ſtated the ground of it, tranſmitted to the Government of Bengal, and being returned with their complete approbation and ſanction was adopted by the Government of Fort St. George, and was in conſequence publiſhed to the Army, and carried into effect in May 1808.

11. On the 25th of September 1808 a charge was tranſmitted to the Head Quarters of the Army againſt Lieutenant Colonel Munro, ſigned by the Officers then in command of five Regiments of Native Cavalry, and twenty-three Battalions of Native Infantry, for "conduct unbecoming the character of an Officer and a Gen-"tleman, in having in his propoſed plan for the abolition of the tent-contract, lately "held by Officers commanding Native Corps, made uſe of falſe and infamous "inſinuations, thereby tending to injure their character as Officers, and otherwiſe "injurious to their reputations as Gentlemen," and upon this charge Lieutenant Colonel Munro was on the 20th January 1809 ordered into arreſt by Lieutenant General Macdowall.

12. The charge thus preferred againſt the Quarter-Maſter General appears to have been founded on certain expreſſions in his report, which had received the ſanction and approbation of all the authorities in India competent to decide upon it. Admitting for a moment that thoſe expreſſions had been exceptionable, deference to thoſe authorities ought to have impoſed forbearance. Officers who thought themſelves aggrieved by them were at liberty to adopt a line of conduct, which might have afforded them an opportunity of vindicating their own individual characters without departing from their reſpect for thoſe authorities which they were bound to obey.

13. If any Officer thought himſelf alluded to, or aggrieved by any thing that Colonel Munro had ſaid, he might eaſily have repelled the ſuppoſed imputation, by demanding that if he were ſuſpected he ſhould be brought to trial upon it: Government would then either have granted a Court Martial, or would have officially and publicly declared that no imputation reſted upon ſuch Officer.

14. Each individual Officer would have had an undoubted right to have demanded ſuch a clearance or trial for himſelf; but an Officer in Command of one particular Corps cannot in the nature of things undertake to anſwer for the conduct of an Officer in Command of another Corps, far removed perhaps from his poſſible obſervation, much leſs for a whole body of ſuch Officers ſo circumſtanced.

15. The character of each individual muſt be diſtinct and particular, and a combination therefore of many Officers to repel inſinuations (ſuppoſing ſuch to have been advanced) againſt unnamed individuals of their body or claſs, reſpecting whoſe conduct the perſonal knowledge of the members generally of that body could not enable them to ſpeak, does not ſeem to be founded on any principle of equity, nor

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would it be juſtified by alleging that general inſinuations againſt the whole body, but pointing to no Officer by name, could not be met in any other manner; for the obvious courſe to be followed in that caſe would ſtill be that every individual Officer who conceived his character to be brought into queſtion, ſhould deſire to have his own conduct ſeparately inveſtigated.

16. But we are the more aſtoniſhed at their proceeding, when we conſider the expreſſions which have been aſſigned as the ground of the charge. Detached as they have been from their context, they ſtill appear to us to be couched in the uſual ſtyle of official diſcuſſion, and to be as far from conveying any imputation againſt individual characters, as the Minutes of Sir John Cradock and Mr. Petrie, by which the plan was ſupported. But when they are conſidered as they actually ſtand in the Paper prepared by Colonel Munro, forming a part of the chain of reaſoning founded upon general principles, it appears to us that no inference can fairly be drawn from them unfavourable to the character of the Madras Army.

17. While therefore we condemn the conduct of the Officers who preferred this charge, we approve the terms in which you have ſtated your opinion of the grounds of it in your General Orders of the 6th of February. It was a proper attention to their feelings, and ſtill more to the feelings of thoſe Officers who had no ſhare in that irregular and unjuſtifiable proceeding, to declare in a public document that no injurious imputations upon their previous conduct were conceived by the Governor in Council to have been intended in the Report of Colonel Munro.

18. We cannot diſmiſs this part of the ſubject without obſerving that the circumſtances of the caſe before us involve a queſtion of the greateſt importance: the claim of individuals who may think themſelves aggrieved by the opinions or reflections of an Officer of the Government communicated by him in obedience to the orders of his ſuperiors, and in the diſcharge of his official duty, to bring ſuch Officers to trial for thoſe communications.

19. If perſons holding reſponſible ſituations were liable to be expoſed to the vexation and ignominy of public trial whenever they may in the diſcharge of their official duties have delivered opinions adverſe to the ſentiments or even the intereſts of any part of the ſervice, it will be impoſſible for ſuch perſons to do their duty to the public in any inſtance which may interfere or may be ſuppoſed to interfere with theſe ſentiments or intereſts, or to give upon any queſtion a fair and honeſt opinion, if that opinion may by inference or ſtrained application be conſtrued into a criminal inſinuation againſt the character and conduct of individuals. If ſuch a claim could be maintained, if the practice which it inculcates were to prevail it would put an end at once to all official confidence, and leave the Government without the means of obtaining information reſpecting exiſting errors, defects, or abuſes, or of forming plans for the correction of any arrangements which have a tendency to produce them. We have thought it neceſſary to ſtate theſe principles generally and broadly, becauſe we are deeply impreſſed with a ſenſe of their truth and importance. With reſpect to the particular caſe of Lieutenant Colonel Munro, it may be obſerved, that the communication was not only official but confidential. Its inſertion in the Records of Government was no act of his, but the act of the Commander in Chief. By what means the Paper became public we have no authentic information, no reaſon whatever has appeared for ſuppoſing that its publicity was owing to the Quarter-Maſter General. Were we acquainted with the channel through which it became public, and afterwards circulated through the different ſtations of the army at the poſſible hazard (though we truſt not with the direct view of creating diſcontent), we ſhould think it neceſſary to mark ſuch a breach of confidence with our high diſapprobation.

20. It appears further, from the 30th Para. of your Letter of the 29th January 1809, that the "Officers who had preferred the charges againſt the Quarter-Maſter "General of the Army, had in conſequence of the declared ſentiments of the "Judge Advocate General regarding their illegality, requeſted that the Commander "in Chief would ſuſpend the proſecution of them"; we are induced from this ſtatement to indulge a hope that the Officers who had given in thoſe charges againſt the Quarter-Maſter General had become ſenſible of the impropriety of having preferred them; and this conſideration, if it ſhall turn out to be well founded, may relieve us from the diſagreeable neceſſity of taking further notice of their miſconduct in this reſpect.

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21. Having conſidered the proceeding of the Officers who preferred the charges againſt Lieutenant Colonel Munro, we come now to notice the conduct of Lieutenant General Macdowall our late Commander in Chief at Fort St. George in relation to this affair.

22. We enter upon this taſk with extreme concern, not only becauſe we feel reluctance in paſſing any animadverſion upon an Officer who has after long ſervices in India filled ſo high a ſituation, but becauſe it has been urged by ſome of his friends that we ought to wait for any juſtification he might wiſh to offer of his own conduct. To this laſt ſuggeſtion, although his proceedings at Fort St. George do not indicate any intention of appealing to us, we ſhould have been willing and even anxious to attend, if we did not conſider that his caſe was fully before us by his own public documents upon record. And if we did not deem it eſſential to the peace and authority of our Government that no time ſhould be loſt, in declaring our ſentiments upon points which have been brought in queſtion by the public acts of this Officer, to thoſe public acts alone, and chiefly in reſpect to the bearings they have upon our preſent and future Intereſts, our attention will be directed.

23. It appears that Lieutenant General Macdowall, notwithſtanding he had been officially informed by the Judge Advocate General, his conſtituted legal adviſer, that thoſe charges were in their nature illegal, did on the 20th January 1809 put Lieutenant Colonel Munro under arreſt with the intent that he ſhould be brought to trial upon them.

24. The obvious reaſons on which we have grounded our cenſure upon the Officers for bringing forward thoſe charges might well be expected to have occurred to the mind of Lieutenant General Macdowall, and to have determined his conduct with reſpect to them. But in addition to thoſe reaſons the report which had been made upon them by the Judge Advocate General on the 7th November 1808 proved ſo unanſwerably their impropriety and illegality, and furniſhed ſuch ſtrong grounds for conſidering them as an unanſwerable attempt to control the Councils of Government through the medium of bringing one of its official adviſers to trial, that it became the clear duty of Lieutenant General Macdowall to have returned thoſe charges to the Officers who had ſigned them, with remarks of his high diſpleaſure.

25. The Officers who gave in the charges againſt Lieutenant Colonel Munro having in their ſubſequent Memorial deſired that the Commander in Chief would poſtpone the proſecution of them, you have in the 30th Para. of your Letter of the 29th January 1809 remarked that it furniſhed additional ground in aid of all the other objections for Lieutenant General Macdowall's refraining from bringing Colonel Munro to trial upon them. In this obſervation we entirely concur. It would indeed have been a high aggravation of the impropriety of Lieutenant General Macdowall's conduct in putting Lieutenant Colonel Munro under arreſt on charges which the Judge Advocate General had declared to be inadmiſſible, if he perſevered in ſubjecting the Quarter-Maſter General to a trial after the authors of thoſe charges had themſelves acquieſced in the opinion of the Judge Advocate General, and requeſted that the proceedings might be ſuſpended.

26. But we obſerve that Lieutenant General Macdowall in his Letter of the 28th January 1809 covering that Memorial of the Officers, took occaſion diſtinctly to remark that it was not before him when he put Lieutenant Colonel Munro in arreſt on the 20th of that month.

27. As however a paper of that deſcription to be circulated for ſignature was likely to become known whilſt in preparation, it would have been more ſatisfactory to us to have been informed that no intimation whatever concerning it had reached Lieutenant General Macdowall when he put Lieutenant Colonel Munro under arreſt.

28. Waiving this circumſtance, however, we proceed to obſerve that Lieutenant General Macdowall inſtead of cenſuring and ſuppreſſing thoſe charges, as we think it was the duty of the Commander in Chief to have done, adopted them and purſued their object by ſubjecting Lieutenant Colonel Munro to the ignominy of an arreſt, with a view to his being brought to trial upon them. It became then in our opinion the bounden duty of our Governor in Council at Fort St. George to interpoſe the direct authority of Government for the protection of Lieutenant Colonel Munro, by requiring

requiring the Commander in Chief to releaſe that Officer from the arreſt in which he had placed him.

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29. To have permitted Lieutenant Colonel Munro to be brought to trial for ſentiments and ſtatements delivered by him in his official capacity, in obedience to the orders of our former Commander in Chief at Madras, Sir John Cradock, by whom they were adopted as his own, as they were alſo approved, ſanctioned, and enforced by the local and ſupreme Governments, would have been not merely to withhold protection from a meritorious Officer in the charge of his indiſputable duties, but to have brought into queſtion, and in fact ſubjected to trial, the character and acts of the former Commander in Chief, Sir John Cradock, and even thoſe of the Government themſelves.

30. We conſider the General Order left by Lieutenant General Macdowall for publication on his quitting Madras as a high aggravation of his previous miſconduct in having put Lieutenant Colonel Munro under an arreſt upon charges in ſo many ways objectionable, which his conſtituted law adviſer had told him were illegal, and which the accuſers themſelves had deſired to withdraw.

31. This order left by Lieutenant General Macdowall for publication after his departure conveys a ſevere reprimand to Lieutenant Colonel Munro for having appealed to your Government on the occaſion of his arreſt, a meaſure neceſſarily impoſed upon him by the conduct of Lieutenant General Macdowall himſelf. This appeal had been ſanctioned and acted upon by your Government; a reprimand therefore on Lieutenant Colonel Munro for having made it became, by neceſſary inference, a reprimand on the Government itſelf.

32. That ſupreme civil and military power, which in all Governments muſt reſide ſomewhere, is in the Preſidency of Fort St. George, veſted by the Act of Parliament in the Governor in Council of that Preſidency, ſubject to the control of the ſuperior authorities in India and Europe, as deſcribed by that Act: all other authorities and powers are to be held and exerciſed in ſubordination to that ſupreme authority.

33. To contend that any authority can exiſt ſeparate, independent, and in contradiction to that ſupreme authority, can only be conſidered to be an attempt to pervert the uſual practice of conducting public buſineſs in certain ſpecified and habitual channels, into a means of checking, reſiſting, and controlling the Government itſelf.

34. Any military Officer addreſſing himſelf directly to the Government, and otherwiſe than through the uſual and ordinary channels of communication, certainly does it at his peril; and it is incumbent upon him in his own juſtification to ſhow, either that the uſual channels of application were obſtructed or refuſed to him, or to ſtate other and ſatisfactory cauſes for the irregularity of his addreſs; it then becomes the duty of the Government to decide how far the peculiar circumſtances of the caſe authorize and juſtify the irregularity of application.

35. If the Government ſhall formally by its declarations, or virtually by its acts, ſanction ſuch application and appeal by acting on the information conveyed in it, and without cenſuring the mode in which it was received, it then becomes the duty of the Commanding Officer or Commander in Chief, through whoſe Channel the application or appeal was originally offered, to ſubmit his opinion to that of the Government.

36. It is not competent to a Commanding Officer or Commander in Chief, after ſuch notification of the ſentiments of Government, to reprimand, bring to trial, or otherwiſe moleſt thoſe who have appealed to the Government, for having made that appeal in a mode which in the opinion of the Government has been juſtified by the circumſtances of the caſe.

37. If Lieutenant General Macdowall thought that Government had exceeded its powers in accepting the appeal of Lieutenant Colonel Munro, and requiring his releaſe from arreſt, it was competent to him to have ſtated his opinion in an appeal to us, or to the ſupreme Government in India; but a publication in General Orders, that is a publication addreſſed to the Army againſt the orders of Government, a publication which not only pronounced a ſevere cenſure upon Lieutenant Colonel Munro, but declared an intention of bringing him to a Court Martial for the conduct which the Government held to be juſtifiable, and which was therefore, as before ſtated, a direct cenſure and attack upon the conduct and

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38. This meaſure rendered it, in our opinion, your duty to aſſert and maintain your own legitimate authority thus publicly called in queſtion; and we approve of the orders which you iſſued upon this occaſion, directing the removal of Lieutenant General Macdowall from the Command of the troops at Fort St. George, and for expunging the orders which he had iſſued from all the public records of your Preſidency.

39. We now proceed to take notice of other parts of Lieutenant General Macdowall's correſpondence. We conſider the inſinuation conveyed in Lieutenant General Macdowall's Letter of 21ſt January 1809, to the Quarter Maſter General, that by his not putting the Quarter Maſter General in arreſt, a door would be left open to the poſſible introduction of undue influence and arbitrary power, to be entirely unwarranted and highly blamable.

40. The obſervations which Lieutenant General Macdowall has thought fit to record againſt his non-appointment by us to a ſeat in our Council of Fort St. George, are conveyed in terms which appear to us diſreſpectful and offenſive.

41. The non-appointment of Lieutenant General Macdowall to a ſeat in our Council of Fort St. George was not determined by conſiderations perſonal to him. It was the conſequence of a principle adopted by us at that time upon general views for the Government of the ſubordinate Preſidences. But whatever motive might have been ſuppoſed to have influenced us in declining to give a ſeat in Council to the Commander in Chief of Fort St. George, we cannot admit ſuch an exerciſe of our diſcretion to have formed a juſtifiable ſubject of animadverſion on the part of Lieutenant General Macdowall, who having accepted the office of Commander in Chief was bound to maintain to the utmoſt of his power the authority of the Government, as well as the diſcipline and ſubordination of the troops.

42. The appointment of a Commander in Chief to a ſeat in Council at any of our Preſidences is an arrangement at all times purely diſcretionary with us, and cannot be claimed as a matter of right by any Officer ſucceeding by caſual promotion, or by ſpecific appointment, to the Commander of the troops at ſuch Preſidency.

43. We now proceed to another inſtance in which we feel ourſelves under the neceſſity of expreſſing the moſt ſerious diſapprobation of the conduct of Lieutenant General Macdowall. It is in his tranſmiſſion of a Memorial of the moſt exceptionable nature from certain Officers of our Army, and on the ſtrong approbation he has conveyed of that Memorial in his Letter to you of the 28th January 1809.

44. It appears that about May or June 1808 Lieutenant General Macdowall, at the deſire of Sir George Barlow (privately communicated to him), wrote to the Officers commanding the principal ſtations of the Army, to require them to repreſs an Addreſs to the Supreme Government in Bengal, which was at that time in circulation among the Officers of the Madras Army, for the purpoſe of obtaining an equalization of allowances with the Officers ſerving in Bengal.

45. But on the 23d of January 1809 Lieutenant General Macdowall forwarded to the Governor in Council an Addreſs to the Court of Directors from a conſiderable number of the Officers of the Madras Army, in which, among other things, they ſay, "We petition with one voice that the Madras Army be placed permanently on the "ſame allowances with that of Bengal, and in urging this requeſt we preſume we "only aſk what juſtice demands, our ſervices entitle us to, and what we ſhall ever "conſider as our juſt rights."

46. This Addreſs was tranſmitted through Lieutenant General Macdowall to the Government of Fort St. George, with a Letter from himſelf, in which he ſtrongly recommends and ſupports this Addreſs of the Officers, notwithſtanding, that he had but a few months before ſent directions to the Officers commanding the principal ſtations of the Army to ſuppreſs an Addreſs then in circulation for the very ſame purpoſe, namely, that of obtaining an equalization of allowances at Madras and Bengal. And here we pauſe, to remark on the very extraordinary and cenſurable conduct of Lieutenant General Macdowall in recommending and ſupporting a Memorial, more reprehenſible in its nature and language than that, which at a ſhort preceding period, he had interpoſed his authority to ſuppreſs.

We can the leſs wonder that if thus encouraged and ſupported the Officers find

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fault with and complain of every act of the Government which in any way affects their perſonal intereſts, however neceſſary it may be to the well being and ſafety of the ſtate.

47. Although the Addreſs of the Officers is not yet before us in an authenticated form, we think it proper to take the preſent opportunity to make ſome obſervations upon the topics contained in it.

48. The general preliminary repreſentation made by the Officers, of the nature and diſadvantages of the Company's ſervice, we conceive to be highly objectionable and incorrect. The complaint that they are baniſhed to a diſtance from their country and friends, for a conſiderable portion of their lives, is a complaint applicable to His Majeſty's and to moſt other military ſervices, well known to be eſſential to theirs, when they firſt enter it, and therefore not a becoming topic of complaint in military men, beſides which we have to obſerve, that no one enters into our Military ſervice in India, but on his own application, and with the full knowledge that he can advance in it only in a courſe of years; but when the Officers add, "We are doomed "to toil through many a painful year, on an allowance ſcarcely adequate to our "ſubſiſtence, until after a period of twenty-two years ſervice in India we have the "melancholy alternative of returning home to live in dependence and comparative "poverty on the penſions of our ranks, or of combating with age and infirmities "in a clime avowedly hoſtile to our conſtitutions;" when they make this repreſentation of their ſituation and proſpects, they ſurely forget that the military allowances of the Company are higher than thoſe of any other military ſervice in the world, although the neceſſaries of life are comparatively cheap in India; that they attain the higheſt rank without purchaſe or expenſe; and that the proviſion for retiring Officers is ſuch as no other ſervice has ever afforded, and ſuch as the finances of the Company are even ſtrained to ſupport.

49. After theſe preliminary obſervations, the addreſs proceeds to complain of the abolition of the Bazar allowances, an arrangement which is not confined to Madras, but extended to the other Preſidencies, which is in ſtrict conformity to the articles of War, which prohibit the levy of duties by military Officers on all articles of conſumption, and is evidently founded on the moſt incontrovertible principles of ſound policy.

50. It is not politic to give Officers an intereſt in the amount of Impoſts levied on military markets, becauſe it has an evident tendency to make the ſoldiers diſcontented with their Officers by feeling themſelves taxed for the benefit of thoſe who command them. In evidence of which a very recent inſtance might be quoted.

51. It is further to be obſerved that in India the amount of the collections in Military Bazars has always depended principally on the extenſion of the ſale of ſpirituous liquors to the Troops. To give an Officer therefore an intereſt in the amount of duties derivable from ſuch a ſource is to ſet his intereſt directly at variance with his duty, and to hold out to him a reward for encouraging that intoxication which it is his firſt duty to diſcountenance and ſuppreſs.

52. It is not meant by theſe obſervations to ſtate that theſe inconveniences have actually taken place under the adminiſtration of the Company's preſent Officers, but it is a ſufficient reaſon for the abolition of a general arrangement that it has a tendency to produce conſequences highly injurious to the ſervice. This obſervation is applicable to every part of the ſucceeding argument.

53. The next complaint ſtated in the addreſs is the abolition of the allowance of full Batta to Officers commanding Stations, but this allowance has been rather tranſferred and extended than aboliſhed, and that upon principles of the moſt obvious propriety; for on the recommendation of Sir John Cradock the full Batta was transferred from the Officers commanding Stations to Officers commanding Corps, from Officers in a fixed and quiet ſituation, to Officers engaged in the more active duties of their profeſſion.

54. The next ſubject of complaint brought forward is that the Orders of the Court of Directors for removing His Majeſty's Officers from the Command of Stations where their Regiments are not quartered, and for appointing military men to the Pay Offices of the Army, have not been carried into effect by the Madras Government.

55. How far our orders on theſe ſubjects have been yet carried into effect we are

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unable preciſely to aſcertain, but we know that they have been executed to a certain extent; and as we have no doubt of the diſpoſition of our Governor in Council at Fort St. George to execute theſe and all other orders in the moſt punctual manner, and with the greateſt practicable expedition, we do not doubt that ere this time conſiderable progreſs has been made in arrangements which evidently would not admit of inſtantaneous adoption, without danger to the public intereſts and to the regularity of public buſineſs.

56. It is poſſible, indeed, that caſes may occur in which both the Officers in the King's and Company's ſervice may be properly ſelected for the Command of Stations where their reſpective Regiments are not quartered, and if ſuch ſhould occur it will be your duty to ſee that this is done without partiality to either, ſtating your reaſons at large for any deviation from the general rule.

57. The Addreſs then goes on to complain of the abolition of the Tent-Contract, an arrangement founded upon arguments which we believe to be incontrovertible, although ſome of the facts upon which the arguments for its abolition were grounded are brought forward in the Addreſs as reaſons for its continuation.

58. The Addreſs ſtates that during War the allowances for the Tent-Contract were unequal to the expenſes, a fact which we conceive is deciſive againſt its propriety, although the only inference drawn from it in the Addreſs is, that the Contract ſhould be continued during peace.

59. This argument might have ſome force if the Tent-Contract were to be conſidered only with reference to the advantages to the Officers who held it; although we are of opinion that even in this limited view of the ſubject the continuation of the Contract had been ſufficiently extended in point of time to allow thoſe Officers an opportunity of reimburſing themſelves during peace for the extraordinary expenſes which they might have incurred during the war. Some, perhaps many, of Officers who held the Contract during the War, muſt have been removed ſince the peace, by death, promotion, or retirement from the commands to which it was attacked, without having had the opportunity of reimburſing themſelves; and this furniſhes another ſtrong argument againſt the Tent-Contract, when viewed only with reference to the intereſts of individuals.

60. The reaſons however for aboliſhing the tent contract, which appear to us of moſt force, are that it provided at a great and conſtant expenſe for putting all the Native Corps in readineſs to move, when from the nature of things many of them muſt at all times neceſſarily remain ſtationary; that the expenſe of fulfilling the terms of the contract being much greater in the field than in garriſon, the Officers contracting were placed in a ſituation in which their intereſt might eventually be in oppoſition to their duty; that it muſt interfere with the diſcipline of Corps by withdrawing the attention and occupying the time of Commanding Officers in caſes not connected with the diſcipline of their reſpective Regiments and Battalions; and finally, that it made the Commanders of Corps Officers of diſburſements and expenditure, not as they always ought to be, of check and control over the diſburſements of others. Theſe reaſons had induced Lord Cornwallis, after eſtabliſhing the Tent-Contract in war, to revoke it in time of peace; and upon the obvious ground that it was an arrangement made to promote not the advantages of the Officers, but the efficiency of the ſervice.

61. The addreſs then again reverts to the claim of an equalization of Military allowances at Madras and Bengal; a claim which though it neither be grounded on any ſolid principles, nor can ever be admitted as the baſis of any practical regulation, we ſhall examine ſomewhat more in detail than we have thought neceſſary in conſidering the other ſubjects of the Addreſs, becauſe it is a queſtion of extenſive proſpect, embracing many points beſides the one now brought before us.

62. In the different Preſidencies of the Company in India diſtinctions have from the beginning ſubſiſted in reſpect to emoluments and advantages (not only in the Military, but in every other Department); theſe diſtinctions have ariſen from the comparative importance of the Preſidencies themſelves, and of the public buſineſs to be tranſacted under them.

63. Thus Bengal, the firſt great territorial poſſeſſion of the Company, had its eſtabliſhments early ſettled with ſome analogy to its income, and that country as being

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being the ſeat of ſupreme Government, the Centre of the Britiſh Intereſts in India, came to have a ſtandard of public allowances, which could not be exactly imitated at the other Preſidencies, under very different circumſtances.

64. The ſtyle of living alſo among the Europeans has, we may preſume, gradually adapted itſelf to the ſcale of income.

65. The perſons nominated to Civil and Military employments have entered the ſervices perfectly aware of theſe inequalities; and are therefore not entitled to expect that they ſhould be afterwards removed.

66. The Company have hence always reſiſted the idea of a general equalization of allowances and emoluments of the different Preſidencies, as not founded on right or reaſon, or the nature of things.

67. Suppoſing for a moment that ſuch a principle could be admitted and enforced, the conſequence in the preſent ſtate of the Finances of the Company muſt be to reduce the few remaining diſtinctions of the Bengal Preſidency to a level with thoſe of Madras and Bombay, as it would be utterly impoſſible to provide for the extreme of raiſing the emoluments of the inferior Preſidencies to a level with thoſe of Bengal, extended as this riſe muſt be to all the Civil as well as Military Branches of the ſervice, if once the principle of equalization were adopted.

68. In all the Preſidencies, however, the ſcale of allowances has been more than ſufficient for comfortable ſubſiſtence, and in the caſe of all the privates and non-commiſſioned Officers of the Army, the rates have been at all times very generally the ſame at all the Preſidencies.

69. From a concurrence of circumſtances it has alſo happened, that an approximation to an equalization of allowances has in fact taken place, in ſo far as to reduce the allowances of the Bengal Military Service generally almoſt to an equality with thoſe of the other Preſidencies; and if the comparative ſlowneſs of promotion at that Preſidency be taken into the eſtimate, it might not be incorrect to ſay, that the Military ſervice in Bengal has not been for many years paſt upon a ſuperior footing, upon the whole, than that at either of the other Preſidencies.

If the Madras Officers poſſeſs a reaſonable plea to have all their allowances put on a level with thoſe of Bengal, the Bengal Officers have a plea, at leaſt as ſpecious, to an equalization of rank in proportion to length of ſervice. The Infantry have the ſame plea of complaint againſt the quicker promotion in the Cavalry, and the Artillery againſt both. In ſhort, there can be no end to the operation of this principle of equalization, if it is allowed to ſuperſede all eſtabliſhed uſages, and all conſiderations of expediency.

70. The Regimental allowances however, both to Officers and Men, are very nearly the ſame at all the Preſidencies, and wherever mere comfortable ſubſiſtence is concerned, it has been the object of the public regulations at all times to approximate as nearly to an equality of allowances as the local circumſtances of each Preſidency have admitted.

71. But ſtaff and other extra allowances reſt upon a different foundation. They are gratuitous advantages, conferred on individuals at the pleaſure and diſcretion of the Government, and are calculated, not with reference to what other men receive, who may perhaps perform ſimilar ſervices in other places, but in reference to the means of the governing powers, and the view which it may take of the merits and ſervices of the receiver.

72. Upon the ſame principles, if the neceſſities of the State require that a diminution ſhould take place in the expenditure of any or of all the ſettlements in India, it is not to be expected that ſuch reduction ſhall fall firſt or only upon thoſe who receive the higher ſalaries, whether civil or military, at one or at another Preſidency; but the Government has an undoubted right, legal and moral, to decide, conſiſtently with the principles of juſtice, what part of the ſervice will beſt admit of that reduction which the neceſſities of the State demand.

73. But it is unneceſſary to preſs this principle, however inconteſtible, as in point of fact reductions have been ordered, and are in a train of execution at all the Preſidencies, and affecting all the branches of the Company's ſervice, civil and military; reductions which are abſolutely neceſſary to the exiſtence of the Company, and conſequently to the maintenance and proviſion of all their ſervants, as well in

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India as in Europe, as well in the retired and penſioned eſtabliſhments, as in the more early and active ſtages of ſervice.

74. Another ſubject of complaint made by the Officers of the Madras Army is, that the Commander in Chief, whom, in imitation of himſelf, they ſtyle "The repreſentative of the Army" has been excluded from a ſeat in Council.

75. The propriety of granting a ſeat in Council to Lieutenant General Macdowall, or to any other Commander in Chief, is a queſtion ſo entirely unconnected with the intereſts of the Officers themſelves, and the conſtitution of the Army under the Company and the Britiſh Government, that it is not eaſy to conſider its introduction into their Addreſs in any other light than as an eſpouſal on the part of the Officers of Lieutenant General Macdowall's unreaſonable complaints on this ſubject, in return for the countenance which he has ſo improperly ſhown to the equally unreaſonable complaints of the Officers.

76. It is not more neceſſary that the Commander in Chief ſhould have a ſeat in Council at Fort St. George than that the Commander in Chief in England ſhould be a member of the Cabinet; and although advantages may reſult from his perſonal aſſiſtance in Council, ſtill the benefits of his advice and co-operation may be obtained, and the military arrangements of Government may be conducted in an efficient manner, even if he ſhould not have a ſeat at the Board. This part of the Memorial however does not call for any detailed examination, yet it may be proper to obſerve, that although the Officers complain that their intereſts may ſuffer by the Commander in Chief not having a ſeat in Council, yet in fact moſt of the meaſures of which the Memorial itſelf complains as grievances were ſuggeſted by the Commander in Chief, Sir John Cradock, and adopted whilſt he was in Council.

77. On the ſtriking impropriety and miſchievous ambiguity of the phraſe "Repreſentative of the Army" we have commented in another part of this Letter. We ſhall now therefore only obſerve, that the adopting by the Officers of this reprehenſible phraſe furniſhes another inſtance of the evil conſequences of the countenance before referred to.

The laſt ſubject of complaint adduced in the Addreſs is the formation of a general fund for the off-reckonings of the Army, which is ſtated to have been formed for the purpoſe of equalizing the advantages derivable from that fund to the Colonels of the three Preſidencies, by which the Colonels on the Madras Eſtabliſhment have ſuffered a diminution of income, whilſt thoſe of the Bengal Eſtabliſhment have received an addition to their emoluments.

78. On reverting to our orders tranſmitted to India on the ſubject of the off-reckonings of the Army, we do not find that any ſuch principle of equalization was alluded to or in our contemplation.

79. The only object of the formation of a general fund for the off-reckonings of the Indian Army which was then ſtated, was to provide a fund for the retired liſt of General Officers, whose penſions, like all other military penſions, were made equal, whether thoſe Officers belonged to the eſtabliſhments of Bengal, Madras or Bombay. The off-reckoning fund is indeed in its nature and effects a penſion fund, and has therefore very naturally been regulated upon the ſame principles of equality as are all penſion eſtabliſhments.

In point of fact, however, the Madras Officers ſuffered ſcarcely any diminution of advantages by that arrangement, the amount of their off-reckonings having been nearly an average of the off-reckonings of Bengal and Bombay.

	Each Share, £.
Bengal then eſtabliſhed on an average of 3 years	952
Madras D°	1,294
Bombay D°	1,458
Bengal	952
Bombay	1,458
	2)2,410
Average	1,205

80. This, therefore, is no fair ſubject of complaint by the Officers on the Madras eſtabliſhment, even had the formation of a general fund been made, as it was not upon a principle of equalizing the allowances to the Officers of the three eſtabliſhments; beſides which the Officers affected by this arrangement are and moſt commonly will be reſident in Europe, and cannot therefore be found among thoſe who have ſigned the Memorial.

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81. It is impoſſible for us on ſuch an occaſion as the preſent to quit this ſubject without repeating our ſtrongeſt diſapprobation of a practice thus again revived by the Officers of our Army, of combining and forming aſſociations for the purpoſe of addreſſing Government on any imaginary or real grievance which they may ſuppoſe themſelves to ſuffer. The evils of ſuch a practice were clearly pointed out, and the practice itſelf abſolutely forbidden in our Military General Letter of the 20th April 1803, the 4th and 5th paragraphs of which we ſhall quote; and we repeat our moſt poſitive directions that the ſtricteſt attention and obedience be paid to them.

"4. We cannot omit taking this opportunity to expreſs, in the moſt pointed terms, "the diſapprobation with which we have ſeen the general aſſociations of Officers of "different ranks formed for theſe and ſimilar purpoſes, aſſociations completely ſub-"verſive of that ſyſtem of Military correctneſs and ſubordination which it muſt be "your and our duty in future more ſtrictly to enforce, ſince any relaxation in a "point of ſuch eſſential conſequence would infallibly be attended with the moſt "fatal diſorders, as repeated experience has too often proved when ſuch practices "have been permitted to prevail."

"5. It will at all times be our inclination to attend to the comforts and to the "intereſts of every part of our Army, when made known to us through the proper "channel of communication.—But we at the ſame time muſt tranſmit to you our "moſt poſitive injunctions to adopt the ſtrongeſt meaſures which circumſtances may "require, to diſcountenance aſſociations of the deſcriptions to which we have above "referred, if a ſenſe of propriety ſhould not render ſuch interference unneceſſary."

While we deem it neceſſary to repeat, that combinations of this nature are in themſelves ſubverſive of the principles of diſcipline and good order, and calculated to afford an example highly dangerous to the intereſts of the ſtate, although they may bear only the appearance of legitimate appeal to ſuperior authority, for the redreſs of ſuppoſed grievances, we think it due to the Officers of our Army at large to ſtate at the ſame time, that we are diſpoſed to aſcribe improper views excluſively to the projectors of ſuch combinations, and to thoſe who have actively exerted themſelves in promoting them. Such Officers as may have acceded to the project are not probably aware of the true nature and tendency of the combination which they have contributed to form, and are deceived by the plauſible pretext of a conſtitutional appeal to the authority of Government.

82. But the caſe will be very different, if after having been again appriſed by the Government of the dangerous tendency of the practices, to which in the firſt inſtance they may have incautiouſly lent themſelves, after the pains which had been taken to ſhow the unreaſonableneſs of their complaints, and the utter impoſſibility of compliance, they ſhould perſevere in urging requeſts, improper in themſelves, and rendered ſtill more ſo by the manner in which they are brought forward.

83. We are too ſenſible of the high Military ſpirit which has at all times diſtinguiſhed our Officers in the field to ſuppoſe it poſſible, that after theſe repeated warnings they can ſo far forget the ſentiments with which that ſpirit ought to inſpire them, as to expoſe themſelves to the imputation of looking more to the pecuniary emoluments of their profeſſion than to the honour derived from an exemplary diſcharge of their duties both in war and peace. This diſtinction is not to be obtained ſolely by gallantry in the field, but by a ſtrict obſervance of all the duties of the Military character; and of thoſe there is none more important and eſſential than the inculcation, by their own conduct and example, of principles of ſubordination to the ſuperior authority, which can alone enſure the obedience of their inferiors in the ſervice, and render an Army uſeful to the State, or ſafe even to thoſe who command it.

84. When we look back to the general character of the Officers in our ſervice we are perſuaded that reflection has long ſince convinced thoſe who have been concerned in the tranſactions animadverted upon in this Letter, of their miſconduct, and of our ſubſtantial regard to their real intereſts, of which the various beneficial regulations adopted by us in the courſe of late years afford the moſt unequivocal proofs. We ſhall only further add, that at a time when the exigencies of the State ſubject every individual in the United Kingdom to great deprivations, we confidently expect the ſame cheerful acquieſcence in our Officers in India, whether Civil or Military, which ſo conſpicuouſly mark the good ſenſe, zeal, and loyalty of His Majeſty's ſubjects at home.

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85. We now revert to the more immediate conſideration of the conduct of our late Commander in Chief. The laſt act of Lieutenant General Macdowall which we are called upon to notice, is his Addreſs to the Army upon the occaſion of his quitting the Command, and embarking for Europe, which though not tranſmitted by you has appeared through ſo many channels, public and private, that we cannot doubt its authenticity.

86. It is with extreme ſurpriſe and concern that we found ſuch ſentiments and expreſſions as the following in an Addreſs from a Commander in Chief to the troops under him:

"The circumſtances of his appointment (to the Command of the Army at Fort St. George) were (he ſays) ſo humiliating and unpropitious, that he declined addreſſing the Army upon his firſt aſſuming the Command of it, in the anxious hope that the Court of Directors might on further deliberation be induced to reſtore him to his right, by altering the new and extraordinary forms of Government, and have enabled him to exerciſe the functions of his ſtation as the repreſentative of the Army with honour to the ſervice and credit to himſelf."

87. On the evident impropriety of a Commander of our forces claiming as a right that ſituation in the Councils of our Government, which our diſcretion is free to grant or withhold, we have already remarked.

88. The authority of the governing power can never be liable to be arraigned by thoſe whom it employs for the limitations it may think fit to impoſe on their authority.

89. Reprehenſible and unmilitary as it is in a Commander in Chief to cenſure and ſtigmatize the conduct of his ſuperiors in the public orderly books of the Army, the deſignation of repreſentative "of the Army," by which Lieutenant General Macdowall has on this occaſion choſen to deſcribe himſelf, is if poſſible ſtill more reprehenſible, and has an obvious tendency to excite diſſatisfaction and diſcontent in the Army againſt our Government, by leading them to conſider themſelves as injured and humiliated by us in the perſon of their repreſentative.

90. There is no ſenſe in which this term could be underſtood in which it could be applied with propriety to the ſituation of Commander in Chief, and there are ſenſes in which it might bear, by no forced conſtruction, which are ſo highly improper, and imply doctrines ſo directly ſubverſive of the whole frame of our Government, that we are unwilling to ſuppoſe that either Lieutenant General Macdowall, or the Officers in whoſe Memorial it appears, could have been aware of them.

91. The term "repreſentative of the Army," is altogether novel and extraordinary. It might be underſtood to imply that the Military claſs were by a repreſentative to have a ſhare in the Legiſlation, and all the political and financial meaſures of the Government. The admiſſion of the term, though applied in a ſenſe much more limited, would according to its uſe in our language ſoon give it that import.

92. But ſuppoſing it only to be intended to mean that the Army ſhould have their Commander in Council, in order to take care of their intereſts and repreſent their wants, claims, and ſervices, this would in the firſt place imply that the Civil Members of Government would not be ſufficiently attentive to the fair claims of the Army, which is contrary to all paſt experience, even when no Military Officer had a ſeat in the Council; and would require for the military body a privilege in the formation of the Government, which no other claſs has, or, according to the conſtitution of our Government, can have.

93. The term "repreſentative of the Army," would further imply, that the Commander of the Army is reſponſible to it for his acts; that he is in fact delegated by it; and that it is not, as a Britiſh Army, according to the laws and conſtitution of Great Britain is, an inſtrument in the hands of the executive Government, but is competent, through its repreſentative the Commander in Chief, to judge and control the public acts and councils.

94. Lieutenant General Macdowall has not (as already obſerved) thought fit to record or tranſmit to us any vindication of his conduct in proceedings which imperiouſly demand our moſt prompt and deciſive animadverſion, neither have we any reaſon to ſuppoſe from the tenor of his correſpondence with the Governor in Council

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that it is the intention of Lieutenant General Macdowall further to ſubmit his conduct to our judgment and deciſion.

95. We are of opinion, however, that the official documents and Letters from Lieutenant General Macdowall, recorded in your proceedings, afford adequate ground for paſſing a deciſive judgment, which cannot with any propriety be delayed, in expectation of poſſible future communications from Lieutenant General Macdowall, or any other Officer implicated in theſe proceedings.

96. Therefore, upon the whole of Lieutenant General Macdowall's caſe, as now ſubmitted to our conſideration, we feel ourſelves bound to record our decided opinion, that the conduct of Lieutenant General Macdowall has been highly reprehenſible, as having a direct tendency to encourage a ſpirit of diſcontent and inſubordination, which it was his duty to repreſs; and that he has therefore juſtly incurred the cenſure you have paſſed upon it, and his ſubſequent removal from the Command of the Army.

97. We ſhall think it our duty to lay the whole of this caſe as contained in the Documents you have tranſmitted before His Majeſty's Government.

98. With reſpect to the ſuſpenſion from our ſervice of Major Boles, the Deputy Adjutant General, and of Lieutenant Colonel Capper, the Adjutant General, we are of opinion, that as thoſe Officers were placed in a ſituation of difficulty, their removal from their reſpective employments on the Staff would have been a ſufficient mark of your diſpleaſure, and we therefore direct that their ſuſpenſion from our ſervice be taken off.

99. On one part of the proceedings of your Government we feel it neceſſary in this place to deliver our opinion; we mean your declining to tranſmit to us the Memorial preſented to you for that purpoſe, by the Officers commanding Corps reſpecting the tent-contract; as you conſider that queſtion to be ſettled and diſpoſed of, it was competent for you to ſay to the Officers that you would not tranſmit the Memorial under any implied admiſſion on your part that the queſtion ſhould be again opened; but we think your caution on this head ſhould not have prevented the tranſmiſſion to us of the Memorial in queſtion.

100. We ſhall conclude our obſervations and deciſions on this important reference by recording, as an act of juſtice, our complete and decided approbation of the conduct of our Governor in Council at Fort St. George, with reſpect to Lieutenant General Macdowall, under circumſtances of peculiar difficulty, in which they appear to have ſhown no leſs moderation and temper in their ſeveral diſcuſſions with the Commander in Chief, than promptitude, energy, and firmneſs in ſupporting the juſt authority of Government.

101. We approve the proviſional appointment of Major General Francis Gowdie to be Commander in Chief of our Army at Fort St. George, and we rely with confidence upon the experience and zeal of that Officer to ſupport the good order, diſcipline, and efficiency of the troops committed to his charge.

We are,
Your loving friends,

London, the 15th Sept. 1809.

(Signed)

CHAs GRANT.	GEO. MILLETT.
Wm ASTELL.	JOHN INGLIS.
Wm BENSLEY.	R. C. PLOWDEN.
H. INGLIS.	G. A. ROBINSON.
S. TOONE.	Rt WILLIAMS.
C. MILLS.	J. HUDLESTON.
Wm WIGRAM.	

General Letter from the Court of Directors 29th September 1809: Military Department.

Our Governor in Council at Fort St. George.

Para. 1. JUST as we were concluding our anſwers to your important Diſpatches dated in December, January, and February laſt, by the Luſhington, your Letter of the 13th May following to the Secret Committee, by His Majeſty's Brig Virginia, arrived. 29 Sep. 1809.

[No. 5.]
Court of Directors, 29 Sep. 1809, to Governor in Council at Fort St. George.

2. The departure of the Georgiana Packet appointed to convey thoſe anſwers having been already, from ſeveral cauſes, inconveniently delayed, we feel that it would be highly inexpedient to detain her for ſo much longer time as might be requiſite to enter into the ſubject of the advices now received from you, and the various topics connected with it, ſo fully as their moſt intereſting nature diſpoſes us to go, but we think it our duty not to loſe a moment in giving our general opinion with reſpect to them.

3. We view with deep aſtoniſhment and concern, the principles, the ſpirit, and the language exhibited in the Paper denominated "The Memorial of the Officers of the Madras Army to the Governor General;" and in the other Paper ſtyled an Addreſs from the ſame body to Major Boles. The doctrines and deſigns which theſe Papers avow are ſubverſive of the foundation of all legitimate Government; the rights they claim for the Army are ſuch rights as till now have never been arrogated or mentioned in our Military ſervice; ſuch as no Army ever can poſſeſs with ſafety to the ſtate to which it belongs. The firſt of theſe Papers alleges grievances which have no foundation; and under the form of ſeeking redreſs it aſſerts independent Military privileges, which would conſtitute an independent Military power. It demands a repreſentative, that is, a ſhare in the Civil, Political and Military Government; it decides upon the meaſures, and villifies the proceedings, of the Government; it requires the removal of the perſon who is by the only legal authority placed at the head of that Government; and by menace and intimidation dictates to the Supreme Government of India, to which our Armies and all the Officers ſerving in them are by the laws of their country, by their engagements to the Company, and by profeſſional obligation, bound to be entirely ſubordinate and obedient.

4. It is in vain that theſe aſſumptions are accompanied by profeſſions of duty to the parent ſtate, and of reſpect for the principles of Military ſubordination; they are in their nature, in their whole ſubſtance and ſpirit, as well as in the inflammatory terms in which they are conveyed, incompatible with the juſt principles of Military obedience; with the honour and intereſt of the Army itſelf; and breathe the language of faction and ſedition.

5. It is afflicting to us to think that any of the natives of this country, any Officers of that Army which has been diſtinguiſhed by ſo many gallant achievements, could have ſo far forgotten all the principles which ſhould have regulated their conduct as ſubjects and as ſoldiers, as to give into proceedings of ſo criminal a nature. Beſides all the other ties which bind them to the duties of patriotiſm and of Military fidelity, we ſhould have thought that both the ſituation of the European body who adminiſter the power of the Britiſh Empire in India, containing ſo many millions of native ſubjects, and likewiſe occurrences ſtill recent in that part of the world, would have been ſufficient to keep every Officer of our Military eſtabliſhment at a diſtance from the infatuation of ſuch a courſe as theſe proceedings open.

6. We are perſuaded that a great majority of our Officers, however ſome of them may have been influenced for a time by artful inflammatory miſrepreſentations, moſt actively propagated, can never have countenanced or approved the ſentiments or tendencies which thoſe proceedings too plainly indicate. They could only have been conceived and promoted by a few under the inſtigation of bad paſſions, or unhappy prejudices, and by the help of deluſive arts impoſed upon the young and inexperienced, who could mean only to aſſert what they were miſled to conſider as rights, and were unaware of conſequences.

7. The authors and promoters of theſe dangerous and moſt culpable proceedings, undoubtedly merit exemplary puniſhment; and it is to us a peculiarly painful reflection that a ſenſe of duty may oblige us to apply this principle to ſome perſons whoſe military ſervices we have lately ſo applauded; but on ſuch an occaſion puniſhment ought to be inflicted without reſpect of perſons; a due ſeverity in ſo imminent a caſe is juſtice to the State, and mercy to the individuals who live under its protection. It is required alſo for the ſupport of the diſcipline, the honour, the efficiency, and the permanence of the Army.

8. It was your duty as a Government, when you had reaſon to be convinced of the exiſtence of factious and ſeditious agitations, not to wait till they ſhould break out into acts of violence, but to endeavour to arreſt their progreſs, and to diſcover the authors of them. It is true, as you have obſerved, that in ſuch caſes where ſecrecy among the parties is eſſential, the regular and formal proofs which are required in legal proceedings,

[No. 5.]
Court of Directors, 29 Sep. 1809. to Governor in Council at Fort St. George.

ceedings, and in ordinary tranſactions, are not to be expected; but it appears to us that the grounds upon which you proceeded to the ſuſpenſion of certain Officers from our ſervice, and to the removal of others from commands or ſtaff-appointments, either as having been the authors or active promoters or abettors of the Memorial to the Governor General, or ſubſcribers to the principle of ſupporting Officers againſt the Government by pecuniary contribution, were ſufficient to warrant thoſe proceedings, and which therefore have our decided approbation. Before, however, we paſs the final judgment which is here required of us, we wiſh, as in all caſes ſo in this eſpecially, to weigh the whole with deliberation, including the caſe of Lieutenant Colonel Martin, who is at home; but we ſhall do ſo with a determination that no private ſolicitation or perſonal conſideration ſhall have the leaſt influence with us where a great and ſolemn public duty, and the public intereſt are ſo deeply concerned.

9. In our Letter of 15th September 1809 we ſtated our opinion, that as Major Boles appeared to have been placed in a ſituation of difficulty his removal from his ſtaff-appointment might be a ſufficient mark of your diſpleaſure, and we therefore deſired that he might be reſtored to the ſervice; we are ſorry, however, to find now that Major Boles has not conducted himſelf merely as an Officer impelled by a conviction of military duty to act in oppoſition to the ſenſe of Government, but has gloried in that oppoſition; and it muſt fairly be preſumed that it is with his own conſent his caſe has become one of the rallying points for ſyſtematic reſiſtance to the Government, in ſupport of the pernicious and unfounded doctrines of the late Commander in Chief, whoſe cauſe Major Boles appears to have cordially eſpouſed; under theſe circumſtances, although we were not diſpoſed to remove him from the ſervice on the ſcore of obedience which he might deem to be right to the order of his commanding Officer, yet as there can be no pretence of right or duty in a factious oppoſition to Government, now become ſo dangerous, and ſo much promoted by his means, we direct that he be ſuſpended from our ſervice.

10. We highly approve the General Orders which you iſſued on the 1ſt of May, and we truſt that they will have the effect of bringing back ſuch of the officers of your eſtabliſhment as have ſwerved from the true principles of military ſubordination to the temper of mind which is no leſs eſſential to their own intereſt and happineſs than to the intereſt of the ſtate, and to that honourable ſenſe of duty upon which the diſcipline and efficiency of an Army muſt ever depend.

11. We are extremely gratified to learn that the conduct of His Majeſty's Officers ſerving under your Preſidency has, through all theſe agitations, been uniformly marked by ſteady ſubordination and good conduct; and that a large portion of your own eſtabliſhment, among whom you particularly ſpecified the ſubſidiary Corps at Hydrabad, have been uninfected by thoſe pernicious examples which have ſeduced others from the line of their duty.

12. The conduct which Major General Gowdie has held in reſpect to all theſe military agitations ſince he has been at the head of the army is entitled to our unqualified commendation.

13. We cannot conclude without expreſſing our high approbation of the firmneſs and temper with which you have maintained the juſt authority and dignity of Government amidſt very unuſual oppoſitions and difficulties; and whilſt you continue thus to diſcharge your public duties you may depend upon our ſupport.

We are, &c.

London, 29th September 1809.

(Signed)

C. GRANT.
W. ASTELL.
J. JACKSON.
G. A. ROBINSON.
R. WILLIAMS.
J. PATTISON.
W. WIGRAM.
G. SMITH.
T. METCALFE.
J. HUDLESTON.
R. C. PLOWDEN.
G. MILLET.
J. INGLIS.
W. BENSLEY.
J. BEBB.

[No. 5.]
Court of Directors, 9 Feb. 1810. to Governor in Council at Fort St. George.

General Letter from the Court of Directors, 9th February 1810: Military Department.

Our Governor in Council at Fort St. George.

Para. 1. We have had before us your Letter to our ſecret Committee, dated 6th September 1809, containing a ſummary account of the unprecedented events which have occurred in the Army of your Eſtabliſhment ſince the 1ſt May 1809, and of the meaſures which you had purſued for the ſupport of the authority of your Government, and the ſecurity of the public intereſts committed to your charge.

2. We are anxiouſly looking for the arrival of the full detail of theſe occurrences, which you have promiſed by an early ſea-conveyance; but we think it our duty not to let the Fleet now under diſpatch ſail without briefly conveying to you our ſentiments upon them, as far as the information at preſent before us will enable us to form a judgment of their nature, ſpirit, and extent.

3. In our Letter of the 29th September 1809, in this department, we expreſſed our hope that the Orders which you had iſſued on the 1ſt May 1809, and the puniſhment which you had inflicted on the moſt prominent offenders, would have the effect of bringing back ſuch of the Officers of your Eſtabliſhment, as had ſwerved from their duty to the true principles of military diſcipline and obedience.

4. Our expectations on this ſubject were fortified by our ſubſequent receipt of your Secretary's Letter to Mr. Ramſay, giving cover to a copy of a Diſpatch from the Supreme Government to you, dated 27th May 1809, and our knowledge that the contents of that Diſpatch had not been withheld from the Officers of your Eſtabliſhment.

5. The ſound and luminous doctrine laid down in that Diſpatch, on the illegality of military combination for the purpoſe of obtaining objects, even of reaſonable deſire, muſt have impreſſed every Officer of your Eſtabliſhment with a due ſenſe of his obligations as a ſoldier; and the complete expoſure of the factious complaints contained in the Memorial, which had been intended for the ſignature of all the Coaſt Officers, muſt have proved completely ſatisfactory to the mind of every reaſonable man.

6. We were of opinion that the able reaſoning contained in that Diſpatch would leave every Officer who perſevered in the combination againſt which it was directed without excuſe; but we were willing to flatter ourſelves that none, or but very few, could be found, who would obſtinately ſhut their eyes to reaſon and duty, and wilfully ruſh upon their own deſtruction.

7. We were, therefore, beyond meaſure aſtoniſhed at the information conveyed to us in your Letter of the 6th September 1809, by which we learn that ſo far were many of the Officers of your Eſtabliſhment from acknowledging their error, and endeavouring to atone for their unmilitary and diſgraceful conduct, that they had rejected the former offers of pardon and oblivion held out to them by Government, and proceeded to ſuch open and daring acts of ſedition and rebellion as have never before diſgraced and diſhonoured a body of Britiſh Officers.

8. It is impoſſible for us to expreſs the feelings of affliction and indignation which theſe events have excited not only in our minds, but, we believe, in thoſe of every man of authority and conſideration in the nation at large.

9. That a body of Officers, natives of theſe Kingdoms, bearing the King's and Company's Commiſſion; men of education, and belonging to a profeſſion whoſe eſſential principles are loyalty, honour, and obedience; that ſuch a body of men ſhould diſclaim their allegiance, ſhould endeavour to ſeduce the ſoldiery from their duty, and turn the arms committed to their hands againſt their employers, their benefactors, their country, and their king, is an event of ſuch hitherto unheard of atrocity, and ſo far beyond the bounds of common experience, that nothing but the moſt notorious and admitted facts could have induced us to have believed it.

10. It appears that "in theſe acts of inſubordination and outrage, the Officers "of the Hydrabad ſubſidiary force took the lead; that they rejected the compliment

"that

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Court of Directors, 9 Feb. 1810. to Governor in Council at Fort St. George.

" that had been paid to their ſuppoſed adherence to duty; avowed their par-
" ticipation in the ſentiments of the diſaffected Officers; announced their intention
" of throwing off the authority of the Government; and finally addreſſed to Govern-
" ment and the Army a ſeditious paper, in which they demanded a public revocation
" of your Orders of the 1ſt. May 1809, the reſtoration of all Officers who had
" been removed by the Government, and an amneſty for the whole Army."

11. " About the ſame time, the Garriſon of Maſulipatam placed itſelf in a ſtate
" of open rebellion; the troops at Hydrabad and Seringapatam followed their ex-
" ample; and an organized ſyſtem of combination, for the purpoſe of ſubverting the
" authority of Government by force of arms, was eſtabliſhed throughout the greateſt
" part of the Coaſt Army."

12. Under theſe diſtreſſing, unexpected, and moſt deplorable circumſtances, it became your bounden duty to vindicate your inſulted authority by the moſt deciſive meaſures. For we entirely concur in opinion with you that, " to have proſtrated
" the public authority by yielding to the menaces of men in a ſtate of open rebellion
" would have been a moſt criminal dereliction of duty, and of the intereſts of
" your country."

13. We entirely approve the judicious and deciſive ſtep which you took of removing every Officer from Military Command who refuſed to ſign a declaration upon honour that " he would obey the orders and ſupport the authority of Go-
" vernment, according to the tenor of his Commiſſion."

14. To the happy effects of this well-timed meaſure the early termination of the anarchy which had prevailed may be in conſiderable part aſcribed, aided as it was by the diſtinguiſhed loyalty and diſcipline of His Majeſty's Troops, the exemplary conduct of a conſiderable number of the moſt reſpectable of our own Officers, and the fidelity and attachment of the Native Troops, when not miſled by the repreſentations of their European Officers.

15. To His Majeſty's Officers and Soldiers we deſire that you will offer our moſt cordial tribute of approbation and applauſe, as well as to thoſe diſtinguiſhed Officers in our own ſervice who ſet an example of duty and allegiance to the reſt.

16. We alſo derive the higheſt ſatisfaction from the ſteady fidelity and attachment which the Native Officers and Troops of our Indian Army have manifeſted to our Government on this trying occaſion.

17. The neceſſity impoſed upon you of appealing to the allegiance of the Native Troops againſt the mutiny and rebellion of their Officers, is one of the moſt lamentable reſults of the late military diſorders, becauſe it tends to ſhake the foundation of the ſyſtem of our Native Military Eſtabliſhment in India.

18. It is poſſible that evils may ariſe from it of incalculable magnitude and extent, for which the Officers muſt be held to be reſponſible to their country, evils which it would be as little in their power to remedy as the wound which they have inflicted on their own reputation, and of which they would themſelves inevitably fall the firſt victims.

19. It is, however, with the moſt cordial ſatisfaction, that we learn that all the Officers had, before the Diſpatch of your Letter, ſigned the declaration required by you on the 26th July, and thrown themſelves on the mercy of the Government.

20. We entirely approve your having reſerved the conſiderations of puniſhment and reward until the arrival of the Governor General, then daily expected; and we truſt with you, that aided by his wiſdom and experience you will have been able to make ſuch arrangements as ſhall effectually guard the public intereſts againſt the recurrence of the dangers to which they have lately been expoſed.

21. It now only remains for us to record the high ſenſe we entertain of that firmneſs, energy, and wiſdom, by which the conduct of the Governor General and of your Government has been diſtinguiſhed throughout the whole of this moſt unhappy, difficult, and dangerous criſis of our affairs; and to aſſure you, that we ſhall con-

[No. 5.] tinue to afford every ſupport in our power to your honourable and meritorious public exertions.

Court of Directors, 9 Feb. 1810. to Governor in Council at Fort St. George.

We are
Your loving friends,

East-India Houſe, London, 9th February 1810.	(Signed)	CHAs GRANT.	C. MARJORIBANKS
		WM ASTELL.	GEOE MILLET.
		A. ROBARTS.	J. PATTISON.
		T. METCALFE.	R. WILLIAMS
		R. C. PLOWDEN.	JNO INGLIS.
		S. TOONE.	C. MILLS.
		J. DANIELL.	J. HUDLESTON.
		W. WIGRAM.	G. SMITH.
		JOHN JACKSON.	J. BEBB.
		G. A. ROBINSON.	J. A. BANNERMAN

General Letter from the Court of Directors, 1ſt May 1810: Military Department.

Our Governor in Council at Fort St. George.

1 May 1810. 1. Our laſt Letter in this Department was dated 25th ult.

2. In that Letter we acknowledged the receipt of your Letter of the 6th of September 1809, containing a ſuccinct account of the criminal and infatuated conduct of the Officers of your eſtabliſhment, from the 13th May 1809 (the date of your preceding Diſpatch) up to the period of their ſubmiſſion; and we conveyed to you our ſtrongeſt aſſurances of approbation and ſupport in the wiſe and vigorous meaſures which you had adopted in vindication of the legitimate and inſulted authority of your Government.

3. We have ſince the date of that Letter received, by the Rattleſnake Sloop of War, your Letter to the Secret Committee, dated the 10th of September 1809, giving a detailed account of the progreſs and ſuppreſſion of this unnatural rebellion; and we think it our duty, after a moſt attentive peruſal of all the details of this afflicting ſubject, again to convey to you our mature ſentiments of approbation of the meaſures which you adopted upon this momentous occaſion.

4. We have obſerved with peculiar ſatisfaction your undeviating adherence to the principle which you firſt oppoſed to the factious proceedings of the Officers, namely, that no conceſſion ought to be made to an armed combination; and it is to your uniform adherence to this unqueſtionable principle of policy that we aſcribe under Providence the early termination of a rebellion, which threatened at once ruin to its authors, to the Company, and to the moſt valuable intereſts of Great Britain.

5. We are the more forcibly impreſſed with the merit of your conduct on this occaſion, by obſerving that from many quarters, and ſome of them of reſpectability, meaſures of conceſſion, under the name of conciliation, were preſſed upon your adoption.

6. We are unwilling to impute to theſe adviſers any but the moſt honourable motives; but we feel it to be our duty to declare our decided conviction that no greater evil can exiſt in any State than the ſubmiſſion of its Government to the dictates of an armed aſſociation, and conſequently that no ſuch ſubmiſſion can ever with ſafety be made.

7. Such ſubmiſſion would in fact amount to an abdication of the Government, and that in the worſt poſſible form and manner. It would compromiſe the authority and power of Government, not only in India but in Europe, and might prevent the meaſures abſolutely neceſſary to vindicate the inſulted authority of the nation.

8. The line of conduct which you purſued, in temperately, yet ſteadily, upholding the dignity and authority of Government, by a refuſal of all compromiſe and conceſſion to Officers in open rebellion, proper at all times, was, in the circumſtances which we are now reviewing, imperiouſly required of you. For the queſtion then at iſſue was not a queſtion of grievance, but of authority; not one of a partial nature, but in fact a queſtion reſpecting the total diſſolution of the Government.

9. The

[No. 5.]
Court of Directors, 1 May 1810. to Governor in Council at Fort St. George.

9. The Officers demanded not a redreſs of grievances affecting themſelves perſonally, but a formal revocation of the judgment of Government, deliberately and legally pronounced (on the 1ſt May 1809) upon Officers ſerving under their authority. This was in fact an attempt to take the Government into their own hands. It became therefore your unqueſtionable duty manfully to reſiſt ſuch a daring and treaſonable uſurpation.

10. The modified recall of your Orders of the 1ſt of May, which we are ſorry to find was recommended to you by ſome of our ſervants, for whoſe judgment and integrity, we in general entertain great reſpect, would in our opinion have been equally impolitic, and ſtill more diſgraceful than their entire revocation. For it would have evinced all the weakneſs of a timid and unqualified recantation; and would equally have admitted what never can be admitted, that Government have no power to ſuſpend *or diſmiſs* their Military ſervants without the judgment of a Court Martial, a power which though ſeldom exerciſed, and which, as far as reſpects your Government abroad, is limited to ſuſpenſion alone, is obviouſly neceſſary to the ſecurity and exiſtence of every Government, and particularly of a Government ſo far removed from the ſupreme authority of the State.

11. Upon theſe principles and conſiderations we entirely approve the line of conduct which you adopted and followed as deſcribed in the 27th, 28th, and 29th paragraphs of the Letter to which we are now replying; the natural and happy conſequences of which ſo ſoon appeared in the unconditional ſubmiſſion of the revolted Officers, and the reſtoration of legal authority.

12. The means which you adopted for reducing the Officers to obedience by force of arms, when you found that the authority of Government could not otherwiſe be maintained, have alſo our entire approbation. Your orders for diſtributing the Native corps in ſituations, calculated to bring them more immediately under the control of His Majeſty's regiments, your applications for reinforcements to the other Preſidencies, and to Ceylon, and above all your judicious ſeparation of the majority of the diſaffected Officers from their corps, by your Orders of the 26th July 1809, are entitled alſo to our approbation.

13. The neceſſity under which you found yourſelves of appealing to thoſe corps in which your orders of the 26th of July could not be enforced, to the allegiance and fidelity of the native Officers and Soldiers, is a ſubject of the deepeſt regret, but which we are of opinion was fully juſtified by the circumſtances of the caſe. It is one of the many melancholy and perhaps irremediable conſequences of the diſloyalty of the European Officers, for which they are ſo deeply reſponſible to us and to their country.

14. The ſteady attachment of the Native Officers and Soldiers, and their loyal adherence to their obligations, in all the inſtances in which a fair appeal could be made to their principles, is entitled to our higheſt approbation; and it is to the conviction which the European Officers felt of the unconquerable fidelity of the Native troops to the Government, and the danger of leading them to act openly againſt it, that we think we muſt attribute the early ſuppreſſion of rebellion with ſo little effuſion of blood; though it would give us the moſt heartfelt ſatisfaction to be able to think that this iſſue was fairly to be aſcribed to a returning ſenſe of duty alone.

15. The European Officers are moſt deeply reſponſible for the unfortunate event which occurred in the neighbourhood of Seringapatam. The fatal and uſeleſs ſacrifice of the lives of ſo many of the Native troops muſt be placed to the account of theſe infatuated Officers; and it needs no repreſentation of ours to aggravate the remorſe which they muſt feel for theſe melancholy events.

16. Such has been the progreſs of ungoverned paſſion; which has no palliation to excuſe it, except the miſtaken example of the Commander in chief. Beginning with diſcontent and inſubordination, it proceeded rapidly to ſedition, mutiny, and rebellion; the ſenior Officers having encouraged or permitted the diſobedience and inſubordination of their inferiors, ſoon found themſelves diveſted of all real Military power by thoſe very inferiors (moſt of whom, we cannot but obſerve, have entered the ſervice ſince 1796, when all unauthorized emoluments were expreſsly renounced and forbidden, and who conſequently could not have even a pretence of grievance), and

[No. 5] Court of Directors, 1 May 1810. to Governor in Council at Fort St. George.

nothing but the ſpeedy ſubmiſſion of the whole could have ſaved them from final anarchy and deſtruction.

17. We now proceed to give ſuch directions as, we hope, may have a tendency to prevent the revival or further progreſs of a ſpirit which never can be encouraged without leading to a ſubverſion of the Government. In this view we direct that all aſſociations and meetings of Officers or Soldiers in our ſervice, for the purpoſe of diſcuſſing, remonſtrating, or petitioning againſt the regulations or orders of Government, and of their ſuperiors, be ſtrictly prohibited, as well as writing or circulating any combined or joint Memorial or Petition for theſe purpoſes. And we further direct, that if any Officer or Soldier ſhall be proved to the ſatisfaction of Government to have been guilty of wilful diſobedience of this order, he ſhall be brought to trial by a Court Martial for ſuch diſobedience, or be immediately ſuſpended the ſervice, and ſent to Europe at the diſcretion of Government.

18. Every Officer and Soldier has a regular and eaſily acceſſible channel for laying his juſt and individual claims before his ſuperiors, and if neceſſary before Government; but all combinations and aſſociations of Military men, whether in the higher or lower ranks of the Army are not only irregular but illegal and ſubverſive of the firſt principles of Military ſubordination, and the ſupremacy of the Civil power, as declared and ſanctioned by the authority of the Legiſlature.

19. The Commander in chief of the Britiſh Forces has lately notified to His Majeſty's Army the ſtrong ſenſe of diſapprobation and diſpleaſure with which he has viewed an aſſembly of Military men for the purpoſe even of complimenting a ſuperior Officer upon his promotion. We entirely coincide in the ſentiments expreſſed by Sir David Dundas on this occaſion, and we annex a Copy of his orders dated 18th January 1810, which we deſire you will publiſh to the Army of your Preſidency, as adopted by us.

20. Your judicious meaſures for the early collection of our Army in the Ceded Diſtricts under Colonel Cloſe, with a view both to reduce, if neceſſary, the revolted Troops to obedience, and to ſecure the intereſts of the Britiſh Nation and of their Allies againſt all enemies in that quarter of India, have our entire approbation. We in like manner approve the ſteps which you at the ſame time took for ſecuring the tranquillity of Travancore, and for providing for the ſafety of the ſeat of Government. To the effect of theſe, and your other well-timed meaſures, we attribute the uninterrupted tranquillity of our poſſeſſions during the progreſs of the late lamentable revolt, as well as its early and complete ſuppreſſion.

21. It now only remains for us to proceed to a taſk much more ſatisfactory to our feelings than the painful ſurvey which we have been conſtrained to make. It is to convey the well-earned tribute of our thanks to the Officers and Soldiers of His Majeſty's and our ſervice, who remained ſteadily and zealouſly attached to their duties as Soldiers and Britiſh ſubjects, during this critical and alarming period.

22. To Major General Gowdie, the Officer commanding the Army in Chief, we feel deeply indebted for his ſteady adherence, and profeſſion of thoſe loyal and honourable principles which have ever diſtinguiſhed him, and for the able and zealous aſſiſtance which he always afforded you.

23. Major General Croker and Colonel Wilkinſon, Lieutenant Colonels Davis, Hare, Lang, Conran, and Fletcher, are eminently entitled to our approbation and thanks for the prompt and ſoldier-like manner in which they executed your important and deciſive orders of the 26th July, as well as for their uniform and cordial co-operation and zeal in carrying all the arrangements of Government into immediate effect.

24. To Colonel Barry Cloſe, who has ſo often merited and received the thanks of his ſuperiors, both in India and in Europe, and to the influence of whoſe diſtinguiſhed character and conduct you juſtly attribute the firſt impulſe of returning obedience and ſubmiſſion in the revolted Troops at Hydrabad, and conſequently of all the other miſguided Corps who looked to them for example and ſupport, we deſire you will convey, in the moſt forcible manner, the deep ſenſe of ſatisfaction with which we have contemplated the diſtinguiſhed loyalty and devotion with which he expoſed his life to the madneſs of a miſguided ſoldiery, that he might bring them back to diſcipline, to loyalty, to happineſs, and to honour.

25. In

[No. 5.]
Court of Directors, 1 May 1810. to Governor in Council at Fort St. George.

25. In our preceding Diſpatch on this ſubject, dated the 9th February laſt, we deſired you to offer our moſt cordial tribute of approbation and applauſe to His Majeſty's Officers and Soldiers generally, as well as to thoſe diſtinguiſhed Officers in our own ſervice who rallied round the cauſe of Government, loyalty, and duty; and we now deſire you to repeat thoſe thanks, ſtrengthened and confirmed as they have been by attentive reference, and by conſideration of all the details of their meritorious conduct.

26. The fidelity and attachment of the Native Officers and Soldiers alſo claimed and received our fulleſt approbation, and we think it but juſtice to them to declare the confidence with which their honourable attachment has inſpired us, and the conſequent unceaſing regard which it will more than ever be our inclination to pay to their intereſts, comforts and happineſs.

27. We cannot cloſe this Diſpatch without deſiring you to convey to Poorneah, the Dewan of the Rajah of Myſore, the ſtrong ſenſe we entertain of the honourable and loyal conduct obſerved by him on this trying occaſion, and to requeſt that he will ſignify to Ram Rhow, and the Troops employed under him, the ſentiments of ſatisfaction and approbation with which we have witneſſed their meritorious and exemplary hbeaviour.

28. We alſo deſire that you will ſignify to the Honourable Arthur Cole, acting Reſident at Myſore, our high approbation of the ſpirited, zealous, and judicious conduct obſerved by him in a moſt critical and trying ſituation, by which he eminently contributed to the maintenance of the Company's authority, and the ultimate ſuppreſſion of the revolt.

We are your loving friends,

East India Houſe, 1ſt May 1810. (Signed)

WM ASTELL.	ROBT WILLIAMS.
JACOB BOSANQUET.	CHAS GRANT.
JOS COTTON.	EDWD PARRY.
T. METCALFE.	GEO. MILLETT.
RD TWINING.	G. A. ROBINSON.
T. REID.	ABM ROBARTS.
R. C. PLOWDEN.	W. WIGRAM.
C. MARJORIBANKS.	CHAS MILLS.

GENERAL ORDER.

HORSE GUARDS, 18th Jan. 1810.

THE Commander in Chief has directed the following Order, iſſued by the General Officer commanding His Majeſty's Forces in North America, to be inſerted in the General Orders to the Army.

GENERAL ORDER, Quebec, 4th October 1809.

"THE Commander of the Forces has lately had occaſion to ſee in a Halifax Newſpaper a "copy of an Addreſs preſented by the Serjeants of 1ſt Battalion Royal Fuſileers to Captain "Orr, on that officer relinquiſhing the Adjutancy in conſequence of being promoted to a "Company; ſo novel a circumſtance could not fail to draw the attention of his Excellency, "it being the firſt of the kind that has come to his knowledge during the forty-ſix years that "he has thus (ſo far as he is aware at leaſt) occurred on the part of the Army, with the "charge of which the King has been pleaſed to intruſt him. He feels himſelf called on by "every obligation of duty to His Majeſty and the Service to bear his teſtimony againſt it by "a public expreſſion of diſapprobation.

"His Excellency does not mean, in this inſtance, to aſcribe any improper motive to the "Serjeants: he has no doubt that their ſole view was to expreſs their regard and gratitude "towards an officer who in the intimate connection that had officially ſubſiſted between them, "had very commendably conducted himſelf with kindneſs to them, without departing from "that ſtrictneſs of diſcipline which was indiſpenſable to the diſcharge of his duty.

"But while his Excellency thus does juſtice to the intention of the Serjeants of the Royal "Fuſileers, he deſires at the ſame time, very ſeriouſly to obſerve to them, that in preſuming "to meet in order to deliberate on the conduct of their ſuperior officer, they have in fact, "however unintentionally, been guilty of an act of great inſubordination.

"It matters not the deſign of the meeting, or in whatever manner, the addreſs was unani- "mouſly aſſented to, was ſolely to expreſs their reſpect and eſteem; the very circumſtance "implies diſcuſſion, and by that diſcuſſion they rendered themſelves obnoxious to the im- "putation alluded to; who indeed ſhall ſay, where ſuch a practice, if once introduced, ſhall

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"end. If the non-commiſſioned officers of a Regiment are permitted to expreſs their approbation of the conduct of the Adjutant, why may they not exerciſe the ſame right with reſpect to their Commanding Officer? Or what reaſon can be given why they ſhould not be equally entitled to expreſs their diſapprobation? Indeed, ſhould the practice become general, the merely withholding the former would imply the latter.

"General Sir James Craig is the more deſirous that his ſentiments on this ſubject ſhould be diſtinctly underſtood in the Fuſileers, becauſe it appears on the face of the Addreſs of the Serjeants in queſtion, that it has been countenanced by the Officer who then commanded the Regiment. The Commander of the Forces does no more than juſtice to the character and ſervices of that officer, when he admits that feeling as he does the dangerous tendency of the practice which he is cenſuring, he alſo feels himſelf the more bound to oppoſe it, in the firſt inſtance, from the ſtrength which it might otherwiſe derive from the ſanction which he appears to have given to it. Lieutenant Colonel Pakenham will however believe, that though it was impoſſible the General ſhould avoid this obſervation upon his error, yet his doing ſo can by no means detract from the eſteem with which he has been taught to view his character as an officer, or the confidence which he ſhould be diſpoſed to place in his ſervice."

(Signed) EDWARD BAYNES,
Adjutant General to the Britiſh Army ſerving in North America.

THE reaſon for which the Commander in Chief has directed the circulation of this Order is, that he may avail himſelf of this opportunity of declaring to the Army, his moſt perfect concurrence in the ſentiments therein expreſſed by the diſtinguiſhed and experienced Officer by whom it was framed, on a ſubject which appears to have been by ſome very much miſunderſtood. The circumſtance of inferiors of any claſs of military men aſſembling for the purpoſe of beſtowing praiſe and public marks of approbation on their ſuperiors, implies a power of deliberation on their conduct which belongs to the King alone, or to thoſe Officers to whom His Majeſty may be pleaſed to intruſt the command and diſcipline of his Troops.

It is a procedure equally objectionable, whether in the higher or lower ranks of the Army; and as the Commander in Chief cannot but regard it as in principle ſubverſive of all military diſcipline, he truſts it is a practice which will be for ever baniſhed from the Britiſh ſervice as deſerving of the higheſt cenſure, and he directs Officers in Command to act accordingly.

By the Command of the Right Honourable the COMMANDER IN CHIEF.

(Signed) *Harry Calvert.*
Adj^{t} Gen^{l}.

Eaſt-India Houſe,
the 19th April 1810.

W. Dalmeida.

[No. 5.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

VIZ.

Copies of LETTERS from the Court of Directors to the Governor in Council at Fort St. George, in the MILITARY DEPARTMENT; dated the 15th and 29th September 1809, and 7th February and 1st May 1810.

Ordered, by The Houſe of Commons, *to be printed,*
25*th May* 1810.

[No. 6.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

No. 1.—Letter from the GOVERNOR in COUNCIL of Fort St. George, to the SECRET COMMITTEE; dated 28th February 1809.

No. 2.—Letter from the CHIEF SECRETARY at Fort St. George, to Mr. SECRETARY RAMSAY; dated 15th May 1809:—With two Enclosures.

No. 3.—Ditto from Ditto, 15th May 1809:—With four Enclosures.

No. 4.—Letter from Lord MINTO, dated Fort St. George, 15th September 1809, to the CHAIRMAN of the East India Company.

No. 5.—Letter from the CHIEF SECRETARY at Fort St. George, to Mr. SECRETARY RAMSAY; dated 7th October 1809:—With one Enclosure.

Ordered, by The House of Commons, *to be printed, 25th May* 1810.

—No. 1.—

To the Honourable the Secret Committee of the Honourable Court of Directors.

Honourable Sirs,

Fort St. George, Sec. Dep. Separate Gen. Lett. 28 Feb. 1809.

Para. 1. WE have the honour to acquaint your Honourable Committee, that considering it to be of great importance that the Authorities in England should have early information regarding the events which have lately occurred at this Presidency, we have thought it proper to dispatch the extra ship Sir Stephen Luthington, to convey the Dispatches addressed to the Court of Directors and to your Honourable Committee.

2.—As it will be material that the Authorities before whom the questions discussed in those Dispatches will be brought, should have distinct information regarding the circumstances connected with them, we have, on the recommendation of our President, thought it proper that a gentleman possessing a correct knowledge of the course of the late events, should be directed to proceed to England by the present opportunity; and as the Chief Secretary of the Government must, from his station, possess a fuller knowledge of these events than any other person under this Government, we have employed the Chief Secretary in the execution of this duty, according to the

[No. 6.]

Fort St. George, Sec. Dep. Separate Gen. Lett. 28 Feb. 1809.

principle on which a ſimilar arrangement has been made on former occaſions: Mr. Buchan accordingly embarks on the Sir Stephen Luſhington.

3.—The duties of Chief Secretary will, during the abſence of Mr. Buchan, be diſcharged by Mr. Falconar, the Senior Member of the Board of Revenue, and no additional expence will be in conſequence incurred by this arrangement.

We have the honour to be, with the greateſt reſpect,
Honourable Sirs,
Your faithful humble ſervants,

Fort St. George,
28th February, 1809.

(Signed) G. H. BARLOW.
W. PETRIE.
T. OAKES.
J. H. CASAMAIJOR.

—No. 2.—

To William Ramſay, Eſq.
Secretary to the Honourable the Secret Committee
of the Honourable the Court of Directors.

Sir,

FOR the information of the Honourable the Secret Committee, I am directed herewith to tranſmit the copy of a Diſpatch, this day received from the Commander of the Southern Diviſion of the Army, of date the 11th inſtant, in reply to the orders reſpecting Lieutenant Colonel the Honourable Arthur St. Leger, contained in my letter of the 3d inſtant, together with the copy of a Letter of the 10th inſtant, at the ſame time received from Lieutenant Colonel St. Leger himſelf.

I have the honour to be, Sir,
Your moſt obedient humble ſervant,

Fort St. George,
15th May, 1809.

(Signed) A. FALCONAR.
Chief Secy to Government.

(Encloſure one.)

To the Chief Secretary to Government.

Sir,

I HAVE the honour to ſend you herewith, for the information of the Right honourable the Preſident in Council, the copies of two Letters, one from Captain Hodgſon, Aſſiſtant Adjutant General, and the other a promiſe from the Honourable Lieutenant Colonel St. Leger to comply with the order from Government, to go by the ſea-coaſt to Sadras, and from thence to repair with all practicable diſpatch to Ponamallee.

I have the honour to be, Sir,
Your moſt obedient Servant,

Trichinopoly,
11th May 1809.

(Signed) *W. Wilkinſon*, Col. Comᵈ
Southern Diviſion.

To the Officer commanding Southern Diviſion of the Army.

Sir,

IN obedience to the orders contained in your Letter of the 7th inſtant, I proceeded immediately towards Madura, at which ſtation I arrived this day at twelve o'clock, and inſtantly had an interview with the Honourable Lieutenant Colonel St. Leger, whom I found prepared to depart for Trichinopoly, conformably to the former inſtructions of Government, and to whom upon communicating the ſubſequent orders of Government (contained in your inſtructions to me) he expreſſed the moſt implicit obedience, but demanded of me the authority upon which I acted. I in conſequence ſubmitted to the Honourable Lieutenant Colonel St. Leger your inſtructions to me; upon which the Honourable Lieutenant Colonel remarked, that as he had never, during a period of thirty years ſervice, diſobeyed any order of Government, he looked forward with the greateſt anxiety to that period when the reaſons of Government ſhould be publicly divulged, which could authoriſe the Government to ſuſpect that the Honourable Lieutenant Colonel Arthur St. Leger had thrown off that allegiance to the Honourable Court of Directors

Directors and to his Sovereign which his commiſſion and every loyal tie bound him, and from which the Honourable Lieutenant Colonel had never by any act of his life ever ſwerved from.

I have further, in obedience to your inſtructions, obtained from the Honourable Lieutenant Colonel Arthur St. Leger the accompanying Letter, which I hope will be conſidered as the perfect fulfilment of your inſtructions to me.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) *C. Hodgſon,*
Aſſiſt^{t} Adj^{t} Gen^{l} S. D. of the Army.

Madura,
9th May 1809.

To Captain Charles Hodgſon, Aſſiſtant Adjutant General, Southern Diviſion.

Sir,

I HAVE peruſed the Letter of the Officer commanding the Diviſion, to you, of date 7th inſtant, and beg leave to expreſs my implicit obedience thereto.

I ſhall proceed from hence to Tanjore, from thence via Coimbaconum, Magavaram, Sheally, Chellumburum, Cuddalore, Pondicherry, Allamporeva to Sadras, and from thence to the Poonamalee, whence I ſhall await the further orders of Government.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) *A. St. Leger,*
Lieutenant Col^{t}

Madura,
9th May 1809.

(Encloſure two.)

The Honourable the Governor in Council, Fort St. George.

Honourable Sir,

I HAVE received your orders delivered to me by Captain Hodgſon, by order of Colonel Wilkinſon, a copy of which I have the honour to encloſe; I ſhall certainly as ſtrictly obey them as any other order I ever received from Government, and as readily. My health will not likely allow of much expedition.

I have likewiſe ſeen the orders of Government of the 1ſt inſtant, ſuſpending me the Honourable Company's ſervice, which I ſubmit to as in duty bound. I moſt ſolemnly declare, that the order iſſued regarding my ſuſpenſion muſt be founded upon groſs miſrepreſentation, and is a libel upon my character as an Officer and gentleman; in ſupport of which I call upon Government to prove the facts alleged againſt me in that order; I demand juſtice, by either the order being reſcinded in the moſt ample manner, or a trial by a court martial.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) *A. St. Leger.*
L^{t} Colonel.

Madura,
10th May 1809.

To the Aſſiſtant Adjutant General, Southern Diviſion.

Sir,

YOU will immediately proceed on the road to Palamcottah, in order to meet the Honourable Lieutenant Colonel St. Leger, who is ſuppoſed to be on his way from the ſouthward. As ſoon as you ſee the Honourable Lieutenant Colonel St. Leger, you will inform him, it is the orders of Government that he ſhall not be permitted to viſit Trichinopoly; and further, that from whatever place you may find him, he will proceed to the ſea-coaſt, and by that route as far as Sadras; from whence he will repair with all practicable diſpatch to Poonamalee, report his arrival to the Officer commanding that ſtation, and wait there for the further orders of Government, without going nearer to the Preſidency.

If the Honourable Lieutenant Colonel St. Leger does not give his word of honour that he will conform to the above orders in every reſpect, you will ſend him by the above route to Poonamallee, under a Captain's guard of whatever troops may be neareſt to the place that you meet with the Honourable Lieutenant Colonel St. Leger.

This order will be ſufficient authority for granting the guard, to whatever Officer may command at the ſtation.

(Signed) *W. Wilkinſon,*
Comm^{g} S^{n} D^{n}

Trichinopoly,
7th May 1809.

[No. 6.]

PAPERS relating to

—No. 3.—

To William Ramſay, Eſq.
Secretary to the Secret Committee of the
Honourable the Court of Directors.

Sir,

Par. 1. (No. 1.) BY deſire of the Governor in Council, I have the honour to tranſmit, for the information of the Honourable the Secret Committee, a Memorial of date the 13th inſtant, addreſſed to the Honourable the Court of Directors, by Lieutenant Colonel Robert Bell, of the corps of Artillery on this Eſtabliſhment, together with (No. 2 & 3) copies of two previous Letters from that Officer, under date the 4th and 6th inſtant.

(No. 4.) 2.—I have the honour alſo to tranſmit a copy of the Reply to theſe Letters, which had been ſent to Lieutenant Colonel Bell on the 12th May, previouſly to the receipt of his Memorial.

I have the honour to be, Sir,
Your moſt obedient humble Servant,

Fort St. George,
15th May 1809.

(Signed) A. FALCONAR,
Chief Secretary.

(Enclosure One.)

Enclosure in Chief Sec.'s Letter, of 15 May, 1809.

To the Honourable Court of Directors for the Management of the Affairs of the United Company of Merchants of England trading to the Eaſt Indies.

Appendix, N° 1.

The MEMORIAL of Lieutenant Colonel Commandant *Robert Bell*, of the Artillery on the Madras Eſtabliſhment,

Sheweth,

THAT your Memorialiſt has had the ill fortune to fall under the diſpleaſure of the Honourable the Governor in Council, who has conſidered it proper to remove your Memorialiſt from all military charge and command until the pleaſure of your Honourable Court be known, in conſequence, as it is expreſſed in the General Orders of 1ſt May, of your Memorialiſt having promoted the circulation of a Paper among the Officers of Artillery at the Mount, which Paper is ſtated to be ſimilar to one deſcribed in the ſaid General Order as having lately been in circulation at ſome of the Military Stations, of a moſt dangerous tendency, purporting to be an Addreſs from the Officers of the Army to Major Boles, the late Deputy Adjutant General.

That the cauſe of ſuch removal, as ſtated in the General Order, being an aſſertion without proof, and the only intimation your Memorialiſt had of any ſuch circumſtance being alleged againſt him, was the promulgation of the Order for his removal; your Memorialiſt did in conſequence addreſs the Honourable the Governor in Council, through the Chief Secretary, on the 2d May, ſtating, that the circumſtance which is ſpecified in the Government Order of the 1ſt May, (and on which it is preſumed the ſuſpenſion of his military functions is founded) is perfectly groundleſs.

Your Memorialiſt therein laments, as it affects his public character and ſituation in the ſervice, that a miſrepreſentation of ſuch a nature ſhould have been made to Government.

Your Memorialiſt hearing that a ſhip was under diſpatch for England, did on the 6th May addreſs the Honourable the Governor in Council, through the Chief Secretary, requeſting to be informed whether he would be permitted to addreſs your Honourable Court, through Government, by this opportunity; entreated that the Honourable the Governor in Council would put him in poſſeſſion of particulars of what is alleged againſt him, to remove the imputation conveyed in the General Order of 1ſt May.

Your Memorialiſt conceiving that ſilence on this occaſion might be conſidered a tacit acknowledgment of the charge contained in the above General Order, repeated what he had before ſtated, that the circumſtances which are ſpecified in the General Order of the 1ſt May is perfectly groundleſs.

Your Memorialiſt being precluded from knowing the grounds on which the Honourable the Governor in Council determined on his degradation, by removal from all military command, can only repeat that the aſſigned cauſe is perfectly groundleſs, and in corroboration and confirmation of which your Memorialiſt has the honour of

annexing

[No. 6.]

annexing hereto an Addreſs from all the Officers of the corps of Artillery at this ſtation, with the exception of Major Sir John Sinclair, Baronet, who is removed to the Arſenal, Fort St. George; which he truſts will ſatisfactorily remove all idea of guilt, as alleged in the General Orders of 1ſt May.

Your Memorialiſt has much cauſe to regret that his repeated aſſurances to the Honourable the Governor in Council had no weight to induce him to inveſtigate the validity of the information which has produced his degradation, for in that caſe the annexed Teſtimonial would inconteſtibly have made apparent its fallaciouſneſs, and an opportunity would have been afforded of detecting the miſinformation, which the lapſe of time in reference to your Honourable Court, muſt render impoſſible from natural events and the diſperſion of the parties. Appx. No. 4.

The only hope of redreſs remaining is in the liberal and impartial juſtice of your Honourable Court, on which your Memorialiſt reſts his cauſe with a becoming confidence.

Your Memorialiſt can only be expected to vindicate himſelf againſt the charges alleged; nor will he ſuppoſe that any other accuſation can be preferred againſt him without his being apprized thereof.

Your Memorialiſt begs to repreſent to your Honourable Court, that every member of ſociety under your Preſidency of Fort St. George is acquainted with the circumſtance of the truly unfortunate diſtraction that exiſts in the military branch of the ſervice.

Your Memorialiſt, in the moſt unequivocal manner, repreſents to your Honourable Court, that ſuch circumſtance, from the firſt moment, has been to him cauſe of moſt ſincere regret.

That your Memorialiſt has converſed on the ſubject with Officers of high rank, and the ſtricteſt probity, both in His Majeſty's and the Honourable Company's ſervice, as alſo with Officers of the Royal Navy and Gentlemen of the Civil line of the ſervice, and that if every expreſſion ever uttered by your Memorialiſt was committed to paper and on the table before your Honourable Court, your Memorialiſt would be perfectly free from imputation of want of attachment to your intereſt.

Your Memorialiſt is now advanced in the thirty-firſt year of ſervice in your corps of Artillery, the command of which he attained by progreſſive riſe, to which line his ſervices have been confined, and which may account for your Memorialiſt being at this period without fortune, and ſolely dependant on the reward for faithful ſervices from your Honourable Court.

St. Thomas Mount,
13th May 1809.

Signed *Robt. Bell*,
Lieut Coll Commanding.

Extract from General Orders by Government, 1ſt May 1809. No. 1.

The Governor in Council is alſo under the neceſſity of noticing another paper of a moſt dangerous tendency, lately in circulation at ſome of the military ſtations, purporting to be an Addreſs from the Officers of the Army to Major Boles, the late Deputy Adjutant General.

In this Addreſs a right is aſſumed to decide on the acts of the Government, by condemning in unqualified terms the ſentence of ſuſpenſion paſſed on Major Boles, and an encouragement is held out to other Officers to violate their duty to the Government, by affording a pecuniary indemnification, not only to Major Boles, but to all ſuch Officers as ſhall ſuffer by any act of the Government which the ſubſcribers to the Addreſs may deem exceptionable. This paper, ſo incompatible with the military character, and ſo repugnant to the fundamental principles of military diſcipline and government, was forced on the attention of the Governor by Captain James Grant, Commandant of his Body Guard, who, while holding that confidential ſituation, and employed by order of the Governor in Council under the Reſident at Travancore, tranſmitted a copy of the paper, to be laid before the Governor, with an avowal that he had affixed his ſignature to it, and a defence of the grounds on which he had adopted that proceeding.

It has alſo been aſcertained, that a paper of a ſimilar tendency has been circulated among the Officers of the corps of Artillery at the Mount, and that its circulation has been promoted by Lieutenant Colonel Robert Bell, the Commanding Officer of that corps.

[No. 6.]

Lieutenant Colonel J. Clarke to be Commandant of Artillery, with the ſtaff allowances annexed to that ſtation, and a ſeat at the Military Board, vice Bell.

Major Sir John Sinclair, Baronet, to be Commiſſary of Stores, in charge of the Arſenal, Fort St. George, vice Clarke.

Lieutenant Colonel Commandant Robert Bell is removed from all military charge and command until the pleaſure of the Honourable Court of Directors ſhall be known, but he is permitted to draw his regimental pay and allowances.

By order of the Honourable the Governor in Council.

(Signed) A. FALCONAR,
Chief Secretary to Government.

No. 2. To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

I HAVE the honour to ſtate, for the information of the Honourable the Governor in Council, that in conſequence of the General Orders of yeſterday, removing me from all military charge and command, and Lieutenant Colonel Clarke having arrived at this ſtation laſt night to promulgate ſuch orders, I delivered over charge of the cantonment to that Officer.

I conſider it incumbent on me to ſtate, for the information of the Honourable the Governor in Council, that the circumſtance which is ſpecified in the Government Order of 1ſt inſtant, and on which I preſume the ſuſpenſion of my military function is founded, viz. "my having promoted the circulation of a paper therein deſcribed, among the Officers of the corps of Artillery at the Mount," is perfectly groundleſs; I muſt therefore lament, as it affects my public character and ſituation in the ſervice, that a miſrepreſentation of ſuch a nature ſhould have been made to Government.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) *Robert Bell,*
L[t] Col[l] Command[t]

St. Thomas's Mount,
2d May 1809.

No. 3. To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

HAVING heard that there is a ſhip under diſpatch for England, I requeſt to be informed whether I may be permitted to addreſs the Honourable Court of Directors, through Government, by this opportunity; and entreat of the Honourable the Governor in Council to put me in poſſeſſion of particulars of what is alleged againſt me, to enable me to remove the imputation conveyed in the G. O. of the 1ſt inſtant.

As ſilence on the occaſion might be conſidered a tacit acknowledgment of the charge contained in the above G. O. I truſt I ſhall ſtand juſtified in making this requeſt for a natural right, and in reiterating, that the circumſtance which is ſpecified in the General Order of the 1ſt May (and on which, I preſume, the ſuſpenſion of my military functions is founded) is perfectly groundleſs.

I have the honour to be, Sir,
Your moſt obedient Servant,
(Signed) *Rob[t] Bell,*
L[t] Col[l] Command[t]

St. Thomas's Mount,
6th May 1809.

No. 4. To Lieutenant Colonel Commandant Robert Bell.

Sir,

THE Officers of the Artillery now at St. Thomas's Mount have learnt with extreme regret, that by the Orders of Government, under date the 1ſt of May 1809, you have been removed from the command of their corps, and this cantonment.

Permit us upon this occaſion to expreſs to you the happineſs we have long experienced in your ſociety as an individual, the high reſpect we entertain for your military character, and the conviction with which we are thoroughly impreſſed of your being, on every occaſion, actuated by generous zeal for the public ſervice, and the pureſt principles of private virtue and profeſſional honour. With ſuch ſentiments of eſteem, it may be ſuppoſed that the cauſes ſtated by Government for the ſuſpenſion of your functions, has greatly diſtreſſed us; and firmly believing as we do, that the Governor in Council muſt, on this occaſion, have received information regarding you altogether incorrect, we ſeize this early opportunity, in juſtice to you and ourſelves, to make this

ſolemn

ſolemn and unequivocal declaration, that you have neither directly or indirectly countenanced or influenced the circulation of any paper of the tendency alluded to in the above Order; on the contrary, you have invariably evinced the greateſt diſinclination to making any comments whatever upon late occurrences.

With feelings of the higheſt reſpect, and with a ſincere hope that we may ſoon again enjoy the honour and happineſs of being under your command,

We remain, Sir,

St. Thomas's Mount,
3d May 1809.

Your ſincere well wiſhers,
And very obedient Servants,

(Signed)—J. Bell, Lieutenant Colonel.—J. Taynton, Captain, Artillery.—R. Grant, Captain, Artillery.—W. G. Pearſe, Captain-Lieutenant.—J. Paſke, Captain-Lieutenant.—Whit' Ainſlie.—Charles Gahagan.—W. Cullen, Lieutenant.—C. M. Cauſeland, Lieutenant.—J. H. Frith, Lieutenant.—T. H. Harris, Enſign.—Thomas Nelſon, Lieutenant, F. W.—J. H. Hockley, Lieutenant, F. W.—Alexander C. Crichton, Lieutenant, F. W.—T. Wilkinſon, Lieutenant.—T. R. Stockdale, Enſign 8th Regiment, doing duty 1ſt Battalion Artillery.—A. L. Murray, Lieutenant, F. W.—C. Rudyard, Lieutenant.—Henry Carter, Enſign, acting with Artillery.—Charles Black, Lieutenant.—T. Paſke, Lieutenant, Artillery.—T. Beſt, Lieutenant.—Henry H. Gore, Lieutenant, F. W.—Henry Sargent, Enſign.—Alexander Bell, Enſign.—F. Derville, Lieutenant, F. W.—H. Stuart, Lieutenant, F. W.—H. R. Cazalet, Enſign.—J. Clemons, Enſign.

Note—Enſigns are doing duty with the Artillery, from a want of Officers.

To Lieutenant Colonel John Bell,
And the Officers of Artillery at the Mount.

No. 5.

Gentlemen,

YOUR Letter of yeſterday I have the honour to acknowledge with ſentiments of gratefulneſs and of reſpect.

You, Gentlemen, are beſt capable of appreciating my principles, and of ſpeaking to my conduct; and your voluntary declaration, equally honourable to yourſelves and flattering to me, muſt have credence with every impartial mind.

I am, Gentlemen,
With grateful regard,
Your moſt obedient Servant,

St. Thomas's Mount,
4th May 1809,

(Signed) *Rob' Bell,*
Lieut. Col. Com.

(Enclosure two.)

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

I REQUEST the ſanction of the Honourable the Governor in Council to proceed to Vizagapatam or Ganjam, to reſide for ſome months.

I am, Sir,
Your obedient Servant,

St Thomas's Mount,
4th May 1809.

(Signed) *Rob' Bell,*
Lt. Col. Com.

(Enclosure three.)

To Alexander Falconar, Eſq. Chief Secretary to Government.

Sir,

HAVING heard that there is a ſhip under diſpatch for England, I requeſt to be informed whether I may be permitted to addreſs the Honourable Court of Directors, through Government, by this opportunity; and entreat of the Honourable the Governor in Council to put me in poſſeſſion of particulars of what has been alleged againſt me, to enable me to remove the imputation conveyed in the G. O. of the 1ſt inſtant.

As

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As ſilence on this occaſion might be conſidered a tacit acknowledgment of the charge contained in the above G. O. I truſt I ſhall ſtand juſtified in making this requeſt for a natural right, and in reiterating, that the circumſtance which is ſpecified in the G. O. of 1ſt May (and on which, I preſume, the ſuſpenſion of my military functions is founded) is perfectly groundleſs.

I have the honour to be, Sir,

St. Thomas's Mount, 6th May 1809.

Your moſt obedient Servant,
(Signed) *Robt Bell*,
Lt. Col. Com.

(Enclosure four.)

To Lieutenant Colonel Robert Bell.

Sir,

Par. 1.—In reply to your Letters of the 4th and 6th inſtant, I am directed to inform you, that the Honourable the Governor in Council conſiders it to be ſufficient to acquaint you, that you have his permiſſion to addreſs the Honourable the Court of Directors, through the uſual channel, by the ſhip now under diſpatch for England.

2.—The Governor in Council alſo permits you to reſide at Vizagapatam, or Ganjam, for ſome months, agreeable to your requeſt.

I am, Sir,

Fort St. George, 10th May 1809.

Your moſt obedient Servant,
(Signed) *J. H. Teite*,
Secretary to Government.

—No. 4.—

Fort St. George, Sec. Dep. Separate Gen. Lett. 25 September 1809.

Sir, Fort St. George, 15th September 1809.

I Hazard this line by a private ſhip, and not conſidering it as a perfectly ſecure conveyance for Diſpatches, I ſhall confine myſelf to the very important intelligence, that on my arrival here the 11th inſtant, I had the extreme ſatisfaction to find the revolt of the Army of this Preſidency, or to ſpeak more correctly, of the European Officers of the Company's Army, entirely ſubdued. The Eaſt India Company, and I may add, the Britiſh Empire in all its parts, never, I believe, was expoſed to a greater or more imminent danger. I am happy to think that the iſſue of this conteſt has been ſuch as not only to avert the immediate peril, but to eſtabliſh a better ſecurity than has exiſted for many years back againſt the recurrence of ſimilar events. For theſe ſignal and ineſtimable benefits you are indebted to the energy and inflexible firmneſs of Sir George Barlow, who has been well ſupported by many diſtinguiſhed individuals of your civil and military ſervice. The ſteady loyalty of His Majeſty's troops, and the fidelity of your native Officers and Privates, have done honour to both ſervices, and will form a moſt gratifying part of my future reports on this important ſubject.

Points of extreme delicacy remain for conſideration, and are at this moment the object of my moſt anxious deliberation. The aim of Government muſt be to convert the paſt ſtruggle to the greateſt and moſt permanent future good. The reſult will be the ſubject of a very early communication.

I embarked at Calcutta on the 5th Auguſt, as ſoon as the indiſpenſable preparations could be made, after the open meeting at Maſulipatam was known. My paſſage has been extremely long, but I have no reaſon to regret that delay, ſince it has afforded to the Government of Fort St. George time to reduce this dangerous revolt by its own exertion and reſources; a point which I conſider as peculiarly advantageous to the public intereſts.

I have the honour to be, with the greateſt reſpect,
Sir,
Your obedient and faithful humble Servant,

The Chairman of
The Honourable Eaſt India Company,
&c. &c. &c.

(Signed) MINTO.

[No. 6.]

—No. 5.—

To William Ramſay, Eſq.
Secretary to the Honourable the Secret Committee of
the Honourable Court of Directors.

SIR,

I AM directed by the Right honourable the Governor General in Council to tranſmit, for the information of the Honourable the Secret Committee of the Court of Directors, an original Memorial, addreſſed to the Honourable the Court of Directors by Major John De Morgan, under date the 17th July laſt; together with the Encloſures therein referred to.

I have the honour to be, Sir,
Your moſt obedient humble Servant,
(Signed) A. FALCONAR,
Chief Sec^{y} to Gov^{t}.

Fort St. George,
7th October 1809.

The MEMORIAL of *John De Morgan*, Major on the Madras Eſtabliſhliſhment, to the Honourable the Court of Directors of the Eaſt India Company,

Sheweth,

1. THAT your Memorialiſt, having been ſuſpended the ſervice until the pleaſure of your Honourable Court is known, ſolicits the attention of your Honourable Court to the particulars of his caſe, relying on your juſtice, honour and liberality, for relief.

2. Your Memorialiſt, by the Orders of the Governor in Council of the 1ſt May 1809, is ſuſpended your ſervice, as that Order ſets forth, for the following cauſe:— "It has alſo been aſcertained that Major John De Morgan has been active in giving "circulation to the Memorial."

3. Your Memorialiſt cannot divine on what grounds the Honourable the Governor in Council was led to conclude that he was active in circulating the Memorial; which alleged activity is the only avowed cauſe of his ſuſpenſion.

4. Your Memorialiſt was at once ſuſpended without a trial, or enquiry of any ſort, or the ſmalleſt chance given him to vindicate or defend his conduct, and he has ſince been refuſed a trial by his peers, which he publicly ſolicited through Major General Gowdie. Vide (A.)

5. Your Memorialiſt can aſſure your Honourable Court, that he took no active meaſures either to circulate that Memorial or to obtain ſignatures to it.

6. Your Memorialiſt, in his Letter addreſſed to the Chief Secretary to Government, on his ſuſpenſion, admits he did ſign the Memorial, upon a full conviction that the meaſures recommended therein could alone appeaſe the extreme agitations pervading the Coaſt Army, occaſioned by proceedings directly ſubverſive of the fundamental principles of military ſubordination, hoſtile to the characters, the reputation and honour, of the Officers of your Army; who thereby have been left in doubt of the right of obeying their ſuperiors.

7. Your Memorialiſt tranſmitted the paper in queſtion in the ſame manner that it was received by him, to *one* ſtation *only*, at which were but *few Officers*, without ever ſeeking or deſiring to become the channel of circulating the Memorial.

8. Your Memorialiſt can further advance, that he uſed no influence for procuring ſignatures to the Memorial; that he did not witneſs the ſignature of *an Individual* under his authority; nor did *he* himſelf ſign it in the preſence of *any* of them; or comment on or even peruſe the paper to *one* of them.

9. Your Memorialiſt adduces the above-mentioned circumſtances merely to evince the incorrectneſs of the reaſon aſſigned in the Order that ſuſpends him; viz. "for "having been active in giving circulation to the Memorial."

10. Whatever may be the deciſion of your Honourable Court, reſpecting the nature of the Memorial, and whether that paper be conſidered of a criminal tendency or not, your Memorialiſt can only be obnoxious to ſuch puniſhment as is due to thoſe who *permitted* its circulation among the Officers under their command. The Governor in Council, as is evinced in the inſtances of ſeveral Officers noticed in the Orders of 1ſt May, conſidered ſuch conduct as meriting removal from command, but not one Officer accuſed of ſuch offence has been ſuſpended the ſervice. It hence, by neceſſary implication, muſt be concluded, that the ſuppoſed *activity* with which your Memo-

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rialiſt promoted the diſſemination of the Memorial, is the *real* and *ſole* cauſe of his ſuſpenſion. He truſts that he has ſatisfied your Honourable Court that of this offence he was not guilty; in conſequence (for the decrees of juſtice are invariable and impartial) the puniſhment inflicted upon your Memorialiſt was not merited.

11. Your Memorialiſt thinks it not improbable a certain Letter of his, which he had conſidered his ſacred duty to ſubmit to his Superior in command, might have actuated your Government of Madras to take ſo decided a meaſure againſt him.—Your Memorialiſt begs leave to lay before your Honourable Court a copy of this Letter, with one from Major General Gowdie, and Extract from the Minutes of the Supreme Government, which were ſubmitted to Heads of Corps, as alſo Letters connected therewith, and the Reply from with his Anſwer to the Officer through whom that Letter was ſubmitted. Vide (B.)

12. Your Memorialiſt preſſes upon the attention of your Honourable Court, that neither the Letter of his Superior in command, to the Head of the Army, nor the one he ſubmitted for his guidance, had any attention given to them, though from the ſource to which they were referred there was every reaſon to expect an anſwer, as is ſo clearly defined in the Letter from the Supreme Government to the Honourable Sir George Hilaro Barlow, of date the 27th of May 1809; viz. "The Repreſentation of "particular Officers, addreſſed in their individual characters, to their Military Supe-"riors, and ſubmitted through him to the proper Authorities which have the power "of pronouncing upon them, will obtain the object of any juſt demand."—Your Honourable Court will perceive this object was not obtained; and that your Memorialiſt, on applying for the preciſe grounds for his ſuſpenſion, to enable him to form a defence upon the worſt conſtruction for his alleged fault, which juſtice and reaſon permitted him to expect would have been granted, was ſimply referred to the Government Order of the 1ſt May 1809; which could only have been founded on ſuſpicion or cruel miſrepreſentation. Your Memorialiſt failed of obtaining in this inſtance, alſo, the object of his "juſt demand." Vide (C.)

13. Your Memorialiſt does not conſider it foreign to the nature of his caſe to inform your Honourable Court, that he bears a commiſſion in your ſervice from the year 1789, and for upwards of ſeventeen years he has ſerved in India with credit, honour, and a due fidelity to your intereſts; never having, during his time of ſervice, come under the cenſure or known diſpleaſure of your Government's Commanders in Chief, and he might add any of his Superiors in command, except in this inſtance; which, how far it is merited, is left for your Honourable Court to decide.

14. Your Memorialiſt is now almoſt the ſole branch of a large proportion of his family, who have ſerved in different capacities in your ſervice; in which he may truly ſay, moſt have done ſo with diſtinguiſhed credit. Many have died and bled in it; and his Father and only Brother were killed in fighting your battles. Your Memorialiſt does not feel to have diſgraced them, or to have been leſs aſſiduous in promoting the true intereſts of the Honourable Company.

15. Your Memorialiſt can further add, that during his period of ſervice, with every proper attention to economy, he has not added to his property by either ſaving (of which indeed the ſervice never afforded him the means) or by any profit derived from a long reſidence in India, or by accumulation of intereſt; he retiring, ſhould it be your Honourable Court's pleaſure to confirm the act of your Government, with leſs than what he poſſeſſed on entering it; which is but a bare ſubſiſtence for his family. By theſe circumſtances your Honourable Court may perceive, that an honeſt principle and a zeal for promoting the public ſervice, and not his private intereſt, have been the motives that actuated your Memorialiſt during his period of ſervice.

16. Your Memorialiſt will not unneceſſarily take up the time of your Honourable Court, by entering into a full, laboured detail of circumſtances that gave riſe to the Memorial to the Governor General, and the conſequent ſuſpenſion of your Memorialiſt, as no doubt your Honourable Court is in poſſeſſion of every document relating thereto; but your Memorialiſt cannot conclude without declaring with what deep regret he has witneſſed the degradation and injury inflicted and confirmed upon your Coaſt Army, by the ſupport given to an Individual, in utter diſregard of the deeply wounded feelings and juſt complaints of an honourable and faithful Body, who had reſpectfully appealed for redreſs, as pointed out by the Rules and Articles eſtabliſhed by the Britiſh Parliament for Soldiers when aggrieved, by withdrawing that Officer from the authority of his Commander in Chief and the cognizance of a Military Tribunal.

It is needleſs for your Memorialiſt to impreſs upon the enlightened minds of your Honourable

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Honourable Court, the miſchief that may ariſe from even ſuſpecting a body of Officers, who have ever been dutiful, faithful and loyal, and who have faced and conquered your enemies in the midſt of painful trials, to the vaſt increaſe of your territories and power; *but to be charged with conduct moſt dangerous to your intereſts, and that of the State, ſuch as allowing their private intereſt to prevail over public duty; by rendering or being ſuppoſed capable of rendering the corps placed under their command unfit to face their enemies, that they might be kept in garriſons from baſe and ſordid motives,* and this charge ſaid to have been *founded upon the practical effects of ſix years experience,* are of a nature ſo repugnant to the minds of ſoldiers, who are not altogether devoid of feeling, and not loſt to a juſt regard and reſpect for their profeſſion, that they were imperiouſly called upon to meet ſuch an attack, and reſort to the only power for redreſs, which to their ſurpriſe and concern they were told was incompatible with the dignity of your Government to grant them, becauſe they ſay they ſanctioned the act; as though it were the act we arraigned, and not ſimply the *arguments* and *inſinuations,* on which we but lately diſcovered it was recommended. Arguments and inſinuations injurious to your Officers as gentlemen, and debaſing them as ſoldiers, and which with the general principle aſſumed by the Quarter Maſter General are rendered moſt pointedly and offenſively perſonal, by the prelude to his plan for the abolition of the Tent Contract.

18. Your Memorialiſt feels his ſuſpenſion to have originated, in fact, from the refuſal of your Government to himſelf and others that redreſs which they had legally, regularly, and reſpectfully ſolicited; the unconſtitutional meaſures, as they were generally deemed, of your Government, ſubſequent upon it, having themſelves given riſe to the Memorial to the Governor General; not to gratify the purpoſe of cabal, not from principles of inſubordination, not to overawe, as it is inſinuated, but from a great neceſſity, involving, as it ſeemed to your Memorialiſt, the general peace and intereſt of the public.

19. Your Memorialiſt therefore humbly truſts that theſe circumſtances will be taken into your Honourable Court's favourable conſideration. Your Memorialiſt cannot conceive how the intereſts of the Eaſt India Company, and the dignity and reſpectability of your Army, by which *alone* theſe intereſts are ſupported, can be ſeparated: an Army once rendered abject, or driven to the extremes of diſtreſs, which muſt appear inevitable to the diſcerning judgment of your Honourable Court, unleſs ſeaſonable relief is adminiſtered by reſtoring it to its juſt right and privileges, muſt become an Army, the main ſpring of which is deſtroyed, and its movements thereby rendered dull and uncertain, inſtead of poſſeſſing that active zeal, affection and loyalty, ſo eſſential to all Armies, and which had ever been the boaſt of your Coaſt Army under many deprivations.

That they may yet be reſtored to them, as well as that your Memorialiſt may be reinſtated to the ſervice, with every liberal conſideration from your Honourable Court, for the great inconvenience and loſs he has experienced, is the humble but fervent prayer of your Memorialiſt.

Madras, 17th July 1809. (Signed) *John De Morgan*, Major.

(A.)

To the Secretary to the Officer commanding the Army in Chief.

Sir,

I HAVE to requeſt you will lay the accompanying Letter before Major General Gowdie, commanding the Army in Chief.

Bangalore, 13th June 1809. (Signed) *John De Morgan*, Major under ſuſpenſion.

To Major General Gowdie, commanding the Army in Chief.

Sir,

IN my addreſs to Government, through the Chief Secretary, of date the 10th May, forwarded to your Secretary to be ſubmitted by you, I had hoped that Government might have deemed it neceſſary to do me the juſtice of having me tried by my peers, which at the time I omitted ſoliciting.

I have

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I have the honour to make my requeſt through you, as at the head of the Army, that I may be allowed the birth-right of a ſoldier, when charged with a real or ſuppoſed crime, by being brought to a court martial, where criminality or innocence may be publicly eſtabliſhed.

Bangalore,
13th June 1809.

(Signed) *John De Morgan,*
Major under ſuſpenſion.

To the Secretary to the Officer commanding the Army in Chief.

Sir,

On the 13th ultimo I had the honour of addreſſing Major General Gowdie, and forwarded it through you to be ſubmitted.

Not having received a reply, I am ignorant whether it ever reached you; I have therefore to beg you will favor me by letting me know if that Letter was received, and if I may expect a compliance with the requeſt I had made to the Officer commanding the Army in Chief.

Madras,
5th July 1809.

(Signed) *John De Morgan,*
Major under ſuſpenſion.

To Major Vernon, Secretary to the Officer commanding the Army in Chief.

Sir,

Having addreſſed you on the 13th ultimo, which gave cover to a Letter to the Commander in Chief, ſoliciting a court martial; as alſo on the 5th inſtant, entreating an acknowledgement of thoſe Letters, fearing from your ſilence they had not reached you;

Being ſtill left in doubts if any of the above communications were ever handed to you, I have again to entreat that I may be informed, at leaſt, whether my Letters have been ſo fortunate as to have reached you, though an attention to the fair and reaſonable requeſt, made in my Letter to the Commander in Chief, may not be afforded

Egmore, Madras,
7th July 1809.

(Signed) *John De Morgan,*
Major under ſuſpenſion.

To Major John De Morgan, &c. &c. &c.

Sir,

I have to acknowledge the receipt of your Letter of this morning, and inform you that the two communications alluded to were referred by the Officer commanding in Chief to the Adjutant General of the Army, who has been directed to write to you on the ſubject in queſtion.

I have, &c. &c. &c.

Madras,
7th July 1809.

(Signed) *John R. Vernon,*
Mil^{y} Sec^{y} to the Comm^{r} in Chief.

To Major De Morgan,
Under ſuſpenſion.

Sir,

I have the honour to acknowledge the receipt of your Letter of the 5th inſtant, addreſſed to the Secretary to the Officer commanding the Army in Chief, and in reply am directed to inform you, that Major General Gowdie deems it entirely out of his power to grant a court martial to an Officer, upon whoſe conduct the Government have already paſſed their judgment by ſuſpending him from the ſervice.

Adjutant General's Office,
7th July 1809.

(Signed) *V. N. Balmain,*
A. A. Gen^{l}

No. 1.

To Lieutenant Colonels St. Leger and Reimley.

Sirs,

In the Minutes or Extract of a Letter from the Supreme Government, of date 21ſt February, it is ſaid, with regard to Lieutenant General Macdowall placing the Quarter Maſter General in arreſt, viz. " and the impropriety of his (General Macdowall's) " conduct to have been aggravated by his adoption of that extraordinary meaſure " after the Judge Advocate General's official declaration of the illegality of the " charges

[No. 6.]

" charges, and by his refuſal to take off the arreſt, after the Officers who had ſo irre-
" gularly and diſcreditably preferred the charges againſt Lieutenant Colonel Munro,
" had, in conſequence of the Judge Advocate General's declared ſentiments of their
" illegality, requeſted the Commander in Chief to ſuſpend the proſecution of them."
I will not preſume to judge on the irregular and diſcreditable part of our conduct, ſince the Governor General in his wiſdom has been pleaſed to term it as ſuch, though I have no difficulty in ſaying, that when I ſubſcribed to the charges, I did it to clear myſelf of irregularity and diſcredit, which appeared to attach to my character, as an Officer and Soldier, in the arguments advanced by the Quarter Maſter General, in ſupport of his ſyſtem of camp equipage, &c. When this Letter was officially ſubmitted to me, I was ſenſible an error was committed ſomewhere; and, in juſtice to myſelf and our late Commander in Chief, I obſerved, in a Letter I deemed neceſſary to ſubmit to my Superior in command, that " I never knew, what I believe is ſtated
" in the Governor General's Letter, that the Officers who ſubſcribed to them had
" deſired, in conſequence of the Judge Advocate General's opinion, that they might
" be withdrawn or ſuppreſſed, but quite the reverſe." As I cannot help ſuppoſing this part of my conduct, which was actuated from the pureſt principles of juſtice and honour, has helped to place me in my preſent *ſuſpended* ſtate, ſo I feel it my duty to call upon you, as one who was, with Lieutenant Colonels Reimley and Martin, ſelected to proſecute in the name of the reſt, and to requeſt you will favour me with an anſwer to the following queſtion:—Had you ſeparately, or conjointly with Lieutenant Colonels Reimley and Martin, been requeſted by the reſt who had ſigned to the charges, to apply for their ſuſpenſion, either before or after the arreſt of the Quarter Maſter General, as ſet forth in the Minute above quoted, and by whom and by what number was ſuch application made; or did you, as from yourſelf, make ſuch application; and in doing ſo did you communicate it for the information of the whole?—It would appear by the Minute, that the application, if ever made, was done after the arreſt of the Quarter Maſter General, and I cannot ſuppoſe any partial number would advance ſuch, as the ſentiments of the whole, without authority; and in juſtice to thoſe who undertook to proſecute, the offering ſuch a requeſt, if ever ſuch was deſired, would have been through them. I can ſpeak poſitively for myſelf, that I neither deſired or wiſhed that the arreſt ſhould be taken off, or the proſecution be ſuſpended. Upon the idea that the Commander in Chief and Government would not permit the Quarter Maſter General to be brought to trial, it was intended that a Petition ſhould be ſubmitted for tranſmiſſal to the Court of Directors, for final deciſion, but this Petition of courſe fell to the ground when the Commander in Chief had placed the Quarter Maſter General in arreſt. What the declared ſentiments of the illegality of the charges were, as advanced by the Judge Advocate General, I knew not; but, from the nature of his arguments, as contained in a Letter from that Officer, of the 21ſt November 1808, (vide D.) in reply to a Letter from the Advocate General, after, I imagine their declared ſentiments were given, he ſays, " having already expreſſed great doubts of the legality of the above charges, I have to requeſt that the opinion of the Advocate General, who is the proper perſon to adviſe in ſuch caſe, may be taken." Now by this Letter it would appear, whatever ſentiments the Judge Advocate General might have declared, they were ſo done as to bear a doubtful conſtruction; and from his referring the matter to the Advocate General, as the proper perſon to adviſe, the Judge Advocate General of courſe implies, he was not the *proper perſon*; his opinion therefore cannot be ſuppoſed to be valid, or he would not, I preſume, have ſtated it with expreſſions of great doubt as to the legality of the charges; and as the Judge Advocate General has admitted the proper perſon to adviſe was not *himſelf*, he ſhould have refrained offering an official opinion, when it called in queſtion the act of a Body whoſe judgment may at laſt be ſuppoſed to be as good as that of any doubtful one, but have referred to the proper perſon (as *he* might be in *his* opinion) without a comment, though perhaps the illegality and irregularity would have been better ſubſtantiated or cleared by the opinion of a Body on oath. As I have ſuſtained an injury, and grounding it upon the proceedings that were adopted againſt the Quarter Maſter General, I hope you will favour me with an explicit anſwer to the queſtion I have put.

I have the honour, &c. &c.

June the 3d and 6th 1809. (Signed) *John De Morgan.*

[No. 6.]

Extract of a Letter from the Honourable Lieutenant Colonel A. St. Leger; Dated Madras, 13th June 1809.

"I NEVER myself approved of the Paper in any form, therefore refuſed to ſign it, "unleſs redreſs was refuſed of trial by court martial. I therefore wrote the accom- "panying Letter (vide E.) to the Adjutant General, on which I believe the court "martial was ordered on the Quarter Maſter General. At all events I am certain "that Lord Minto has been miſled; for the Memorial, although dated before, was not "given to the Commander in Chief until Lieutenant Colonel Munro had been "liberated from his arreſt by the interference of the Honourable the Governor in "Council of Fort St. George."

(Signed) "*A. St. Leger.*"

Dear Sir,

I HAVE been requeſted to give you information on a point upon which you have made ſome enquiries at Bangalore; Lieutenant General Macdowall never received any application from the Officers who preferred the charges againſt Lieutenant Colonel Munro, to withdraw thoſe charges, prior to his having placed him in arreſt. *After* Lieutenant Colonel Munro was liberated from his arreſt, a Memorial was preſented to Lieutenant General Macdowall, which he forwarded to Government, ſtating at the ſame time, that he had not before ſeen it. This Paper or Memorial was not put into his hands till ſome hours (on the ſame day) after the arreſt was removed.

I am, &c. &c.

June 18th. (Signed) *Ch' Coombs.*

To Major De Morgan.

Sir, Arcot, 29th June 1809.

I HAVE to acknowledge the receipt of your Letter of the 3d inſtant, and in reply to your query, beg leave to ſtate, no Letter to the late Commander in Chief, from the reſt who ſigned the charges, was ſubmitted to me, as one who was deputed with Lieut. St. Leger and Martin to proſecute, that the matter pending againſt the Quarter Maſter General ſhould be ſuſpended. Upon information that Government would not allow of Lieut. Colonel Munro to be tried, a Memorial was prepared to be tranſmitted to the Honourable the Court of Directors, for their final deciſion, to which I ſubſcribed; but this was not from any opinion the Judge Advocate General might have given on the illegality or irregularity of our proceedings, but upon the grounds before obſerved, that the Quarter Maſter General would not be allowed to be brought to trial. I have further to obſerve, that it was not to my knowledge, nor do I believe any requeſt or Memorial had been ſubmitted to Lieut. General Macdowall till after the arreſt of the Quarter Maſter General was removed, at leaſt in any official form, that could have warranted a deviation from the general opinion of the whole, or to that of Lieut. Colonels St. Leger and Martin. From General Macdowall placing the Quarter Maſter General in arreſt, it is preſumed he muſt have materially differed in opinion with Lieut. Colonel Leith, and have conſidered the conduct of the numerous and reſpectable Officers who had ſigned to the charges, to have been perfectly legal and regular.

I have the honour to be your humble Servant,

(True Copy.) (Signed) *C. Reimley.*

(Signed) *John De Morgan.*

(B.)

No. 1. To the Officer commanding the Forces in the Provinces of Malabar and Canara.

Sir,

I HAVE received, with the deepeſt regret, accounts of the circulation, throughout the Army, of Addreſſes of a moſt improper nature and ſeditious tendency. Although I cannot believe a proceeding ſo repugnant to the firſt principles of diſcipline and duty, ſo pregnant with the moſt diſgraceful and diſaſtrous conſequences to the ſervice over which I have been placed, yet every obligation of my duty demands that I ſhould omit no means of preventing the fatal ends which the adoption of that pro-

ceeding

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ceeding would eventually produce. It is entirely unneceſſary for me to advert to the public meaſures which have recently occurred, as they are under reference to the only Powers to which the Authorities that have adopted thoſe meaſures are reſponſible. Any proceedings on the part of the Army, with reſpect to thoſe meaſures, would be hurtful to the fundamental principles of diſcipline and ſubordination, which directs implicit obedience to the Government under which that Army is placed; it would be contrary to its allegiance, which demands it ſhould manifeſt an implicit and reſpectful ſubmiſſion to the ultimate deciſion of its Sovereign and its Country; and they would be ruinous to the honour of that Army, as they muſt be regarded as a wanton and unjuſtifiable breach of diſcipline. It is accordingly my duty to call on you, in the moſt impreſſive manner, to employ every exertion of your vigilance and authority in maintaining the diſcipline of the Officers and men entruſted to your command. I alſo deſire Officers commanding corps ſhall be held reſponſible, in the moſt rigorous acceptation of military obedience, for the good conduct of the Officers under their orders; Officers commanding corps poſſeſs the moſt effectual means of maintaining ſubordination, and they will incur the moſt ſerious reſponſibility by countenancing or permitting any proceedings contrary to it. For my part, the Army may be aſſured that I ſhall never deviate from the line of conduct preſcribed by the moſt ſolemn obligations of duty, that of offering the moſt determined oppoſition to every plan of a nature incompatible with the diſcipline, with the dignity, or with the honour of the Army, with the authority of the Government, and the intereſts of my Country.

Commander in Chief's Office,
Fort St. George, March 5, 1809.

(Signed) *F. Gowdie*, M. G. Com^r.

Extract of a Minute from the Supreme Government; dated 21ſt Feb. 1809. No. 2.

" We conſider the conduct of Lieut. General Macdowall, in placing the Quarter " Maſter General in arreſt, for an act done in the ſtrict fulfilment of his public duty, " to have been in the higheſt degree reprehenſible; and the impropriety of his con- " duct to have been aggravated by his adoption of that extraordinary meaſure after " the Judge Advocate General's official Declaration of the illegality of the Charges, " and by his refuſal to take off the arreſt after the Officers who had ſo irregularly and " diſcreditably preferred the charges againſt Lieut. Colonel Munro had, in conſe- " quence of the Judge Advocate General's declared ſentiments of their illegality, " requeſted the Commander in Chief to ſuſpend the proſecution of them."

True Extract from the Copy received.
(Signed) *John De Morgan.*

To the Officers commanding the Provinces of Malabar and Canara. No. 3.

Sir,

The receipt of your Letter, with that of the Officer commanding the Army in Myſore, and Extract of the Governor General's Letter to the Honourable the Governor in Council of Fort St. George, I have the honour to acknowledge, and requeſt your opinion and deciſion upon the following points, for my guidance, as to the extent and definition of the reſponſibility impoſed upon me; my judgment precludes my comprehending:—

In caſe of the whole Body feeling aggrieved, in what manner am I, as a Member, to ſeek relief?

As I am directed to ſuppreſs the circulation of Addreſſes, am I to conſider all Addreſſes improper, however reſpectfully and dutifully drawn up, that ſet forth hardſhips and grievances, that both my honour and conſcience allow to be ſuch, the redreſſing and removing of which I may conceive conſcientiouſly to be neceſſary, both for the honour of my profeſſion and the good of my employers?

I alſo feel it my duty to expreſs my deep concern, that ſentiments ſo diſhonourable to Officers, as that of an improper and ſeditious ſpirit prevailing among them, of which Officers at the heads of corps are called upon to ſuppreſs, ſhould be entertained and expreſſed by the Officer commanding the Army. That ſome late proceedings have roufed the feelings of the Army, and occaſioned moſt painful ſenſations in the breaſts of almoſt every individual, cannot be denied; and the ſmothering of ſentiments

[No. 6.] on matters involving their deepeſt intereſt, by ſubjects of a free and moſt liberal nation, is ſcarce poſſible.

In concurrence with the Officer commanding the Army, and with thoſe under whoſe command I am placed, I ſhall feel it my duty, as my ſituation demands, to cultivate that diſcipline, good order and ſubordination, with thoſe placed under my command, and which will be my duty to preſerve to the utmoſt of my power; but the nature of the reſponſibility put upon Officers commanding corps, &c. as conveyed in the Officer commanding the Army's Letter, is to me ſo indefinite, that I muſt beg leave further to requeſt information, whether I am to refuſe receiving Addreſſes from thoſe under my command, that may be to the ſetting forth grievances, and in what way am I, who may in conjunction with them feel the exiſtence of ſuch, to proceed in ſeeking relief.

I have taken the liberty of thus expreſſing my ſentiments, and aſſure you, I ſhould be the laſt to ſanction any thing that might ſtrike me as bearing the ſpirit of inſubordination; but as my judgment on theſe points may differ with that of my ſuperiors, I humbly hope I ſhall be juſtified in having ſubmitted them to you.

I cannot conclude without obſerving, as one of the Officers who ſigned to the charges againſt the Quarter Maſter General, as a duty I owe both to myſelf and our late Commander in Chief, Lieut. General Hay Macdowall, that I never knew, what I believe is ſtated in the Governor General's Letter, "that the Officers who ſub-"ſcribed to them had deſired, in conſequence of the Judge Advocate General's "opinion, that they might be withdrawn or ſuppreſſed," but quite the reverſe.

(Signed) *J. De Morgan,*
Major Com[s] 2d Batt[n] 22d Reg[t].

Tellicherry,
14th April 1809.

(True Copy.)
(Signed) *John De Morgan.*

No. 4. Major De Morgan, 22d Regiment.

Sir,

I AM directed to communicate to you, that the Officer commanding Malabar and Canara referred to the Commander in Chief ſimilar queſtions to thoſe put by you to him in your Letter of the 14th inſtant, ſo late as the 15th of laſt month, to which no reply has been received; it is therefore out of the Commanding Officer's power to give any deciſion on the ſubject, but will (if you wiſh it) forward your Letter to the Head-Quarters of the Army.

To this Letter you are requeſted to reply by return of poſt.

(Signed) *Edward W. Snow,*
M. B.

Head-Quarters, at Cananore,
15th April 1809.

No. 5. To Captain Snow, Major of Brigade, Malabar and Kanara.

Sir,

I HAVE this inſtant received your Letter of yeſterday's date, and as I am required to reply by return of poſt, I loſe no time in doing ſo.

As I had ſubmitted my Letter of the 14th to the Officer commanding the Provinces for my guidance, Lieutenant Colonel Cuppage will of courſe act by it as the exigency of the caſe may to him appear to require, feeling I had performed a duty ſacredly impoſed upon me, by replying as my conſcience dictated to the Letters that were ſubmitted to me, as enumerated in mine of the 14th.

(Signed) *J. De Morgan,*
Major Com[s] 2d B[n] 22d Reg[t] and
Sen[r] Officer Tellicherry.

Tellicherry,
16th April 1809.

No. 6. To Lieutenants Munro and Floyer, Majors Macdowall, Vernon, Keaſbury, &c.

Sirs,

IN the Extract from the Governor General's Letter of the 21ſt February 1809, which was ſubmitted to Officers at heads of corps, it is ſtated, as an aggravation of Lieutenant General Hay Macdowal's conduct, in regard to his placing Colonel John Munro, Quarter Maſter General, in arreſt, upon charges preferred againſt that Officer, by a certain number of Officers, "that thoſe Officers had, in conſequence of the Judge Advocate General's declared ſentiments regarding their illegality, requeſted

of

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of the Commander in Chief to ſuſpend the proſecution of them." As you had, with myſelf and others (whom I call on alſo) ſigned to the charges, I have to requeſt you will favour me with an anſwer to the following queſtion, viz.—Had you, before or ſince the circulation of the Extract above alluded to, ever underſtood that the Officers who had ſubſcribed to the charges, had requeſted or even expreſſed a wiſh for the ſuſpenſion of them, more than in the event of the Commander in Chief or Government not permitting them to be proſecuted on, that a Petition would be drawn up for tranſmiſſal to the Honourable the Court of Directors?—I have to ſtate, that in the ſame Letter the Judge Advocate General preſumes to call in queſtion the regularity and legality of our acts, he declares "that having already expreſſed great doubts of the legality "of the above charges, I have to requeſt the opinion of the Advocate General, who "is the proper perſon to adviſe, may be taken on the ſubject." If the Judge Advocate General (which he himſelf declares) was not the proper perſon to adviſe, which by his referring to the Advocate General evidently implies he was not, he certainly had not the right, in my humble judgment, to call in queſtion our acts; and having expreſſed himſelf in a doubtful way, as to the legality of the charges, ſo his judgment may be erroneous as to the irregularity and illegality he infers. Lieutenant Colonel Leith was or was not the proper perſon to adviſe; and his having been called upon from his official ſituation of Judge Advocate General, ſhould *have either been decided in his anſwer*, or have referred the matter *to the proper perſon*, without *offering an opinion*. The reaſon of taking the liberty of calling on you is, that in a Letter, which I deem neceſſary to forward, in reply to the Officer commanding the Army in Chief's Letter, the Extract from the Governor General's Letter, &c. I feel it my duty to ſtate, both as owing to myſelf and Lieutenant General Hay Macdowall, that I never knew, what I believe was advanced in the Governor General's Letter, "that the Officers who had ſubſcribed to charges, had deſired in conſequence of the Judge Advocate General's opinion, that they might be withdrawn or ſuppreſſed, but quite the reverſe;" ſuſpend, I ſhould have ſaid, which bears the ſame meaning, but I had not kept a copy of the Governor General's Letter, though ſince have ſeen one.

I have the honour to remain, Sir,

May and June, 1809.

Your very obedient Servant,
(Signed) *John De Morgan.*

Major De Morgan, 22d Regiment.

No. 7.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 10th inſtant, requeſting a reply to the following queſtion, viz. "Had you, before or ſince the circulation of the Extract above alluded to, ever underſtood that the Officers who had "ſubſcribed to the charges, had requeſted or even expreſſed a wiſh for the ſuſpenſion of them, more than in the event of the Commander in Chief or Government "not permitting them to be proſecuted on, that a Petition would be drawn up for "tranſmiſſal to the Honourable the Court of Directors?" After endeavouring to recall to my recollection every (the moſt minute) circumſtance which came to my knowledge reſpecting the charges in queſtion, I feel no heſitation in ſtating to you, in reply, that "I never had, before or ſince the circulation of the Extract from the "Minutes of the Supreme Council, underſtood that the Officers who had ſigned the "charges, had requeſted or even expreſſed a wiſh for the ſuſpenſion of them, further "than that in the event of the Commander in Chief or the Government not per-"mitting them to be proſecuted, the ſubject ſhould be referred for its final deciſion "to the Honourable Court of Directors." It is neceſſary for me to add, in reference to the latter part of your Letter, that it is ſcarcely poſſible that I ſhould ever have underſtood that a wiſh had been expreſſed to withdraw the charges, on the reaſons ſtated in the Minutes of the Supreme Council, "that the Judge Advocate General "had officially given his opinion that they were illegal;" for till the publication of that Extract I had never received intimation that he had officially expreſſed his ſentiments to that effect on the ſubject. Indeed I never had reaſon to ſuppoſe that he had given a decided opinion with regard to theſe charges, further than that a vague and indiſtinct report was at one time in circulation, that he had ſpoken of them as informal and irregular.

I have the honour to be, Sir,

Cananore,
28th May 1809.

Your obedient Servant,
(Signed) *J. M. Vernon,*
Major 2 Bn 12 Regt.

[No. 6.]

Major De Morgan.

No. 8.

Sir,

I HAVE to acknowledge the receipt of your Letter of date 17th inſt. from Tellicherry, which I peruſed with much attention; and in reply have to ſubmit, that as the Officer commanding Chittledroog, I received the G. O. giving a printed extract from the Governor General's Letter of the February 1809; whereon it is ſtated, as an aggravation of Lieutenant General Macdowall's conduct, in regard to his placing Lieutenant Colonel Munro in arreſt, upon charges preferred againſt that Officer by a certain number of Officers, "That thoſe Officers had, in conſequence of the Judge Advocate General's declared ſentiments regarding the illegality, requeſted the Commander in Chief to ſuſpend the proſecution of them."

As an Officer commanding a Native Corps. I ſigned thoſe charges, and feel moſt happy in declaring, that neither before nor ſince the circulation of the Extract above alluded to, ever underſtood that the Officers who had ſubſcribed to the charges had requeſted or even expreſſed a wiſh for the ſuſpenſion of them, more than in the event of the Commander in Chief or Government not permitting them to be proſecuted on, that a Petition would be drawn up for tranſmiſſal to the Honourable the Court of Directors.

I have the honour to be,
With eſteem and beſt wiſhes, your's faithfully,
(Signed) *R. Munro,*
Lt. Col. 2 B^{n} 15 Reg^{t} N. I.

Serah,
3d June 1809.

The date to which the above is an anſwer, is 17th May.

To Major J. De Morgan.

No. 9.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of the 17th ultimo, calling on me for a reply to the following queſtion viz. (" as before quoted) In reply to this, I feel no heſitation in ſtating that I never had, before or ſince the circulation of the extracts from the Minute of the Supreme Council, (which ſurpriſed me a good deal when I peruſed them) underſtood that the Officers who had ſigned the charges alluded to had requeſted or even expreſſed a wiſh for the ſuſpenſion of them, further than in the event of the Commander in Chief or Government not permitting them to be proſecuted, the ſubject ſhould be referred to the Honourable the Court of Directors."

(Signed) *Andrew M^{c} Dowall,*
Major Com^{g} 2 B^{n} 15th Reg^{t}.
at the time the charges were given in.

Seringapatam,
6th June 1809.

To Major de Morgan.

No. 10.

Sir,

AGREEABLE to your requeſt, contained in your Letter of the 5th inſtant, I make no delay in giving you a reply to the queſtion you have therein put to me, as follows (here queſtion quoted) I was certainly one of the Officers who ſigned the charges againſt Lieutenant Colonel Munro; but, until *after* the circulation of the extract from the Governor General's Letter, *I never underſtood* or heard of any requeſt having been made to the Commander in Chief to ſuſpend or withdraw thoſe charges; and it is only ſince that period that I have learnt, with much ſurpriſe, that ſuch a proceeding did take place.

I have the honour to remain, Sir,
Your very obedient Servant,
(Signed) *A. Floyer.*

To Major De Morgan.

No. 11.

Sir,

I AM honoured with your Letter of the 11th inſtant, and in reply to the queſtion therein propoſed viz. (here queſtion quoted) I have not the leaſt heſitation in ſaying that, to the beſt of my recollection and belief, no ſuch wiſh or deſign (as above ſtated) was ever expreſſed or entertained by thoſe Officers who ſigned the charges againſt the Quarter Maſter General at the ſame ſtation with myſelf; nor did it ever come to my knowledge that ſuch was even the intention or deſire of the other Officers, who had

ſubſcribed

ſubſcribed to the aforeſaid charges: with reſpect to the latter part of your queſtion, I think a plan of the kind was propoſed, as the neceſſity of adopting the alternative muſt have been obvious to every one concerned.

I have the honour to be, Sir,

Chota Ballapore, June 13th 1809.

Your moſt obedient Servant,
(Signed) *W. Keaſburg*,
Major 9th N. I.

Major De Morgan. No. 12.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter of this days date, and to inform you that I, among others, ſubſcribed my name to the charges preferred againſt the Quarter Maſter General, Lieutenant Colonel Munro; and in anſwer to your queſtion, I have to ſtate, that in conſequence of doubts having exiſted whether the Commander in Chief or Government would permit the arreſt of the Quarter-Maſter General, it was thought expedient to prepare a Memorial to the Honourable the Court of Directors, for them either to inſtitute an enquiry into the extraordinary conduct of this Officer, or to give ſuch deciſion upon the caſe as the ſubject warranted; and from every information I had been able to collect, it never came to my knowledge, or was it ever underſtood that thoſe Officers who ſubſcribed to the charges, ever previouſly requeſted or even expreſſed a wiſh, ſubſequently to the circulation of the Letter of the Governor General, of the February 1809, for the ſuſpenſion of them.

I have the honour to be, Sir,

Vellore, 26th June 1809.

Your very obedient Servant,
(Signed) *J. Lindſay*,
Major 11th Regt.

(C.)

To the Chief Secretary to Government, Madras.

Sir,

I HAVE to report for the information of Government, my arrival at the Preſidency. As it will be neceſſary, in the Paper I muſt ſubmit to the Honourable the Court of Directors, to ſtate if poſſible the cauſe in which the Honourable the Governor in Council founded their opinion for ſelecting me as meriting ſuſpenſion, ſo to enable me to make my defence, I have the honour to requeſt you will be pleaſed to obtain permiſſion from the Honourable the Governor, that the particular circumſtances which are ſuppoſed to warrant the inference, that I had been an active agent in giving circulation to the Memorial to the Supreme Government for relief, and for which alleged activity I have been ſuſpended, may be furniſhed me. I hope that this reaſonable requeſt will not be denied me, as otherwiſe it will be obvious I ſhall labour under the great diſadvantage of combating a *general* inſtead of a *definite* and *ſpecific* charge.

I have, &c. &c. &c.

Egmore, Madras, 5th July 1809.

(Signed) *John De Morgan*,
Major under ſuſpenſion.

To Major John De Morgan, Military Department.

Sir,

Para 1. In reply to your Letter of this date, I am directed to inform you, that it is the deſire of the Honourable the Governor in Council that you embark on one of the Honourable Company's ſhips about to ſail for Bengal, for the purpoſe of proceeding thence to England by the fleet which will ſail in Auguſt.

2. You will receive the paſſage money of your rank, from Madras to Bengal and from Bengal to England, and the commander of the ſhip on which you may embark will be ordered to provide you with ſuitable accommodation.

3. With regard to your requeſt, to be informed of the preciſe grounds of your ſuſpenſion, I am directed to refer you to the General Orders publiſhed by Government on the 1ſt May laſt.

I am, Sir,

Fort St. George, 5th July 1809.

Your moſt obedient Servant,
(Signed) *J. H. Piele*,
Secy to Govt.

[No. 6.]

(D.)

No. 12. To the Adjutant General of the Army.

Sir,

I HASTEN to acknowledge the receipt of your Letter of the 18th (only received at twelve o'clock this day) with charges againſt the Quarter Maſter General, in which you acquaint me, that as I had not in my former Report ſtated whether the Paper then ſubmitted to me was of a form by which the perſon accuſed ſhould be brought to trial, His Excellency the Commander in Chief deſired that I would be pleaſed to give, for his information, an explicit opinion on this point. In reply I beg to ſay, that as no form, in my humble judgment, can cure the original deficiency and irregularity of theſe charges, I did not conceive it neceſſary to ſpeak to that point in my former Report.

It will be neceſſary that the words alluded to, with the date and circumſtances under which they were uſed, ſhould be diſtinctly ſtated in the face of the charge itſelf. Having already expreſſed great doubts of the legality of the above charges, I have to requeſt that the opinion of the Advocate General, who is the proper perſon to adviſe in ſuch a caſe, may be taken on the ſubject. I would further beg to ſuggeſt, that a notification may be made to Government, in order that it may be diſtinctly known how far the uſe of their records can be officially obtained.

(Signed) *J. Leith*,
Judge Advocate General.

Fort St. George,
21ſt November 1809.

(E.)

To the Adjutant General of the Army.

Sir,

I HAVE been honoured with your Letter of the 30th November, and the opinion of the Judge Advocate General, dated 21ſt November (in your Letter), "in conſequence of which communication all proceedings have been for the preſent poſtponed."

I beg leave to ſtate, for the information of his Excellency the Commander in Chief, that I can find no argument in the Judge Advocate General's reply of ſufficient weight to prevent the trial of Lieutenant Colonel Munro, Quarter Maſter General of the Army and Captain in the Madras European Regiment; which Officer has moſt groſsly attempted to traduce the characters of the Officers commanding Native Corps in the Army, by falſe and infamous inſinuations to Government, in his propoſed plan for the abolition of the Tent Contract, lately held by Officers commanding Native Corps, ſaid to be founded on ſix years experience, and expreſſed nearly as follows:—

"By granting the ſame allowance in peace and war for the equipment of Native "Corps, while the expences incidental to that charge are unavoidably greater than "in peace, it places the intereſt and duty of Officers commanding Native Corps in "direct oppoſition to one another; it makes it their intereſt that their corps ſhould *not* "be in a *ſtate* of *efficiency* fit for *field ſervice*, and therefore furniſhes ſtrong in-"ducements to *neglect* their moſt *important duties*. By charging Commanding "Officers of Corps with extenſive concerns immediately affecting their private inte-"reſt, it is calculated, particularly in the field, to direct their attention and their pur-"ſuits from the *diſcipline* and *management* of their corps, objects that ſhould furniſh "*them* with ſufficient employment for the whole of their time." And other matter, contained in the ſame ſtatement, laid before the Governor or Governor in Council. An Officer or Officers finding themſelves wronged, their characters injured in the moſt ſerious manner, holding them forth as diſhoneſt and betraying their truſt to Government, and this held out by an individual, an Officer of the public Staff, poſitively demands inveſtigation, as the documents containing theſe inſinuations are in the poſſeſſion of Government. A military man has only the martial law to look to. I therefore individually, and in behalf of the Officers who ſigned the charges againſt Lieutenant Colonel Munro, require and requeſt a court martial on that Officer, and claim it on the following Article of War:

Section the 9th.

"Of redreſſing Wrongs."

"If any Commiſſioned Officer, or inferior Officer or Soldier, ſhall think himſelf "wronged by his ſuperior or other Officer, he is to complain thereof to the Com-

"manding

[No. 6.]

"manding Officer of the regiment, troop or company, who is hereby required "to ſummon a court martial for the doing juſtice to the Complainant."

I conceive that I have rigidly adhered to the above Article of War, in having preferred the complaint and charges to His Excellency the Commander in Chief, who I can only deem my immediate Commanding Officer when any reference is required between an Officer appointed Commandant of a Corps by Government, and one of the general Staff. I ſhould hope the Commander in Chief never will allow the conduct of Lieutenant Colonel Munro, in falſely attacking the Officers commanding native corps in the Army, with the moſt malicious inſinuations to Government, prejudicial to their characters as Officers and gentlemen, to paſs over in ſilence. His remarks have already been made public; I then reſt my reliance on His Excellency the Commander in Chief, to ſupport and clear the characters of thoſe Officers whoſe long ſervices and merits he muſt be acquainted with, and whoſe conduct altogether has been ſo very different from the inſinuations of Lieutenant Colonel Munro.

I was induced to ſign the charges from a conviction of the following truth, viz that to ſuppoſe an Officer will ſkulk from his duty, and thereby groſſly violate the truſt repoſed in him, for the ſake of pecuniary gain, is a diſhonourable inſinuation; that the legal mode of reſenting ſuch inſinuation, is to cauſe the offender to be tried by a court martial, and that the Quarter Maſter General is not exempted from anſwering for his conduct in the ſame manner which any other Officer guilty of a ſimilar act would be liable. And the Judge Advocate has advanced nothing to weaken this perſuaſion.

The Judge Advocate General's Remarks:—"It will be neceſſary that the words alluded "to, with the date and circumſtances under which they were uſed, ſhould be diſtinctly "ſtated on the face of the charge itſelf."—If the date is neceſſary, I requeſt an application may be made for it to the Honourable Sir George Hilaro Barlow, Governor of Madras, and from whoſe upright conduct, I have no doubt of his granting it when the cauſe of juſtice requires it.

The Judge Advocate General's Remark:—"I would further beg leave to ſuggeſt that "a notification be made to Government, in order that it may be diſtinctly known how "far the uſe of their records can be officially obtained."

As well as I can recollect, the official records of Government were produced on the trial of Major General Sir John Burgoyne, and I did not hear of any objection to it, nor have I heard of any Act ſince to prevent it.

I beg leave to call the attention of His Excellency the Commander in Chief to the charge againſt Captain Gourlay, on which he was tried; which I conſider much to the point on the queſtion relative to the date and circumſtances being mentioned in the charge, and I believe that learned Law Officer, Major Leith, was then Judge Advocate General:

"Captain John Gourlay of the firſt battalion of Artillery, and commanding a "detachment of Artillery doing duty at Trichinopoly, placed in arreſt by order of "Colonel Alexander Campbell, commanding the Southern Diviſion of the Army."

"Charge— "Trichinopoly, 26th Auguſt 1806.

"For conduct unbecoming an Officer and a gentleman, and ſubverſive of military "diſcipline, in tranſmitting to the head quarters of the Army, through different channels, "charges, allegations and inſinuations, againſt Colonel Alexander Campbell, his im-"mediate Commanding Officer, which are falſe, infamous, and ſcandalous, and by ſuch "conduct tending, as far as in him (Captain Gourlay) lays, to prejudice his ſaid Com-"manding Officer's reputation and inſult his authority."

(Signed) "*A. Campbell,*"
Colonel commanding South Diviſion of the Army.

Trichinopoly,
5th December 1808.

(By Order)
(Signed) *P. A. Agnew,*
Adjutant Gen[l] of the Army.

(Signed) *A. St. Leger.*

(True Copy.)
John De Morgan.

[No. 6.]

To the Adjutant General, Fort St. George.

Sir,

I HAVE the honour to acknowledge the receipt of a communication tranſmitted from the Adjutant General of the Army, under date the 30th ultimo, conveying the official opinion of the Judge Advocate General regarding the charges preferred by me and other Officers againſt the Quarter Maſter General, Lieutenant Colonel John Munro, Captain in the European Regiment, and intimating that, in conſequence of that opinion, the proceedings on that occaſion have been for the preſent poſtponed. As the opinion of the Judge Advocate General appears, in my humble conſideration, to be liable to material objections, I truſt I ſhall ſtand excuſed, in the eſtimation of His Excellency the Commander in Chief, in offering a temperate reply to them, under the impreſſion of due reſpect to the authority of the Judge Advocate General. If I do not miſconceive the meaning of the Judge Advocate General, in his obſerving that no form can cure the deficiency and irregularity of theſe charges, it is *becauſe the charges have been preferred againſt the Quarter Maſter General, as a public Staff Officer of the Army, or becauſe that ſuch a body of Officers collectively ſigned the charges preferred.* Should the former be the caſe, I have to obſerve, it appears to me that all promulgations from a public Office, from the higheſt under Government or of the Commander in Chief down to that of Fort Adjutant, &c. &c. &c. invariably have notification, and ſhould appear notified, as iſſued under that authority by which that Officer immediately acts, as a neceſſary appendage to give ſuch promulgation due effect. The propoſal of the Quarter Maſter General, recommending the abolition of the Tent Contract, as thoſe propoſals atteſt, are defective in this eſſential point, having been iſſued without any authority whatever but that of the Quarter Maſter General himſelf. His Excellency the Commander in Chief, Lieutenant General Hay Macdowall, diſavows the propoſal altogether; and I have now before me an authenticated copy of a private Letter from Sir John Craddock, the late Commander in Chief, upon the authority of which, the Quarter Maſter General aſſerts, he acted and framed his propoſals; but independent of its being wholly a private communication, I cannot trace throughout any principle which ſhould authorize the Quarter Maſter General to level ſuch ſerious obſervations as he has done againſt Commanding Officers of Native Corps, as unfounded in fact, as diſhonourable and injurious to their character as Officers and gentlemen. A paragraph in this Letter appears, in my conſideration, to expreſs the views of the late Commander in Chief, in his private appeal to the Quarter Maſter General, as confined to efficiency and economy alone; and which is ſo pointed to thoſe purpoſes that I give the Extract as follows:—"I ſhall not trouble "you with a more detailed inſtruction than that the principal points, efficiency and "economy, are the foundation upon which I intend that the whole ſtructure ſhould "reſt; and unleſs I can clearly aſcertain thoſe eſſential points, I ſhall not diſturb the "exiſting arrangements; which, it is to be remarked, aroſe from a ſenſe of former "imperfections, ſuppoſed to attach to the ſyſtem I in ſome meaſure wiſh to revive. "But it may be hoped, an attentive inveſtigation of the general caſe may enable me "to ſee where the errors lay at that period, and lead to the adoption of ſome plan of "more decided improvement." How far the above inſtance of private inſtruction is to be reconciled with, or calculated to juſtify, the *ſubſtance* of the Quarter Maſter General's ſweeping public aſſeverations contained in his Propoſals, I ſhall not in the preſent caſe preſume to preſs upon attention. In ſubſtance, ſo far as I am able to interpret, it runs thus, viz. "upon ſix years experience and obſervation, formed upon the judg-"ment of practical effect, it appears, Officers commanding native corps have an intereſt to "neglect their moſt important duties, in order that their corps ſhould not be in a ſtate "of efficiency fit for field ſervice." Had the Quarter Maſter General promulgated his comments on Commanding Officers of Corps, under the expreſſed authority of his immediate Superior, he indiſputably would have appeared in his public character, and the nature of his accuſations contained in his publication would not reſt with him; but having acted upon his own judgment, unſupported by any other apparent authority, it appears to my conviction that he acted in the private capacity of an individual, but under the ſcreen of the appointment of Quarter Maſter General, for his ſhield and protection. Should the *latter* have been the caſe, I ſhall beg to remark the injurious inſinuations on the part of the Quarter Maſter General, and directed at the Officers collectively in the command of native corps; and as ſuch appear to have been generally felt and painfully and reluctantly reſented by them. The means of redreſs which ſeemingly occurred to them, after individual appeal had failed, as moſt conſiſtent

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ſiſtent with their ideas of juſtice, were apparently adopted, and their ſentiments tranſmitted, in the form of a military charge to their immediate Superior, the Commander in Chief; appealing, in a ſeparate letter, in the moſt reſpectful language and manner to his feelings, for protection and ſupport againſt cruel and injurious calumny, which appears to have been conſidered by them, an Individual on the general Staff, without authority, had uttered and publiſhed againſt them: had only one Officer, for example, been thus attacked by the Quarter Maſter General, and the whole had reſented it, the meaſure which was adopted might, with every appearance of juſtice, have been conſidered by the Judge Advocate General, and every man of moderation and propriety, as replete with irregularity; but as the Quarter Maſter General made no exception, but included the whole in one maſs, it would appear, the one general feeling experienced and teſtified, was merely to repel an unwarranted attack made on their honour and integrity. It no leſs appears, that the charge could not with propriety be offered as general, by an individual alone, ſince it would have been making himſelf a champion for the general cauſe; and whether the whole could eligibly have ſent in ſeparate charges, each man for himſelf, and that meaſure have the deſired effect of obtaining general and individual juſtice, remains, if ſuch was expected, for the Judge Advocate General to demonſtrate. In the ſecond inſtance adduced by the Judge Advocate General, he obſerves, "It will be neceſſary that the words alluded to, with the date and "circumſtances under which they were uſed, ſhould be diſtinctly ſtated in the face of "the charge itſelf." Tytler and others who have written upon Martial Law give ſupport, in their ſeveral opinions, to that which the Judge Advocate General has offered; but as we perceive ſo many inſtances occurring wherein that principle is not adhered to, not only in our India Eſtabliſhments, but in Europe, and were we to go no further retrogade than Whitelock's Trial, it may with ſome degree of Juſtice be concluded to be rather an opinion of a meaſure which ſhould be preferred in point of perſpicuity, than given as a governing principle, which cannot be avoided without deſcending to irregularity that brings its legality in queſtion; when the preciſe words, date and circumſtances, are not detailed in the charge, they to yield the neceſſary tendency of their exiſtence, appear in the body of the proceedings in the courſe of the proſecution; and that words, date and circumſtances, exiſt in the Propoſals of the Quarter Maſter General, the language of common expreſſion declares, and which could have been proved, had it been expedient to forward the proſecution, by the Propoſals being laid before the Court, and the authenticity of the Propoſals identified. What the opinions of others, who ſigned the charge againſt the Quarter Maſter General, is not known to me; I can only therefore ſpeak from myſelf, and which I have done under the impreſſion of diffidence, oppoſed to the high authority of the Judge Advocate General. The records of the Office of the Adjutant General of the Army will, upon examination, atteſt that I have been twenty-eight years in the ſervice and in India; and the authorities of the many Officers I have had the honour to ſerve under, ſupported by my own feelings, inſtruct me to obſerve, that I have executed, on all occaſions and in all ſituations, my duty to the public ſervice, with honour, fidelity, and zeal: under this perſuaſion, I would, with all gentleneſs, endeavour to preſs on the mind of His Excellency, that I do not perceive any reaſon urged by the Judge Advocate General which ſhould prevail with me to retract, in the ſmalleſt degree, from the charges I have given my ſignature to againſt the Quarter Maſter General Lieutenant Colonel John Munro, Captain in the European Regiment; adhering to it from an honourable motive, which I hope and truſt both my public and private character countenance and juſtify. As exiſting circumſtances, in His Excellency's conſideration, require that further proceedings ſhall for the preſent be poſtponed; with the juſteſt ſentiments of reſpect and ſubmiſſion to that judment, I cannot but moſt readily accord; hoping, however, that when prevailing difficulties ſhall be removed, His Excellency will condeſcend to direct any inveſtigation, either on the immediate accuſed or myſelf, ſhould it be thought neceſſary, as ſhall appear to him moſt expedient to obtain the ends of juſtice; and in the mean time to excuſe my immediate Addreſs, as an humble pledge I owe to myſelf, and to the reſpectability of that ſervice in which I have paſſed ſo great a portion of my life.

(Signed) *G. Martin,*
Lt. Col. 15th Reg^{t}.

Chittledroog,
12th December, 1808.

[No. 6.]

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

No. 1. Letter from the Governor in Council of Fort St. George, to the Secret Committee; dated 28th February 1809.—No. 2. Letter from the Chief Secretary at Fort St. George, to Mr. Secretary Ramſay; dated 15th May 1809:—With two Encloſures.—No. 3. Ditto from Ditto; 15th May 1809:—With four Encloſures.

No. 4. Letter from Lord Minto, dated Fort St. George, 15th September 1809, to the Chairman of the Eaſt India Company.—No. 5. Letter from the Chief Secretary at Fort St. George, to Mr. Secretary Ramſay; dated 7th October 1809:—With one Encloſure.

Ordered, by The Houſe of Commons, *to be printed,*
25th *May* 1810.

PAPERS

RELATING TO

East India Affairs.

(MADRAS.)

Ordered, by The House of Commons, *to be printed,*
1 *April* 1811.

LIST of PAPERS

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21st *February* 1811.

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India-Board Office, Whitehall,
1st April 1811.

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

(Madras.)

—No. 1.—

MINUTES of the Proceedings of the Court of Directors, appointing Sir SAMUEL AUCHMUTY, and giving him a Seat in Council, in the Presidency of *Madras*.

No. 1.

Minutes of the Court of Directors, 7th & 14th Feb. 1810.

AT a Court of DIRECTORS, held on Wednesday, the 7th February 1810;

THE Chairman gave notice, that on this day se'nnight he ſhould submit to the Court a proposition relating to the appointment of a Commander in Chief of the Army at Madras.

AT a Court of DIRECTORS, held on Wednesday, February the 14th 1810;

THE Chairman, pursuant to the Notice given by him in Court on the 7th instant, moving the Court,

IT was,

Resolved by the Ballot unanimously, That Major General Sir Samuel Auchmuty be appointed Commander in Chief of the Company's Forces on the Fort St. George Eſtabliſhment.

IT was then, on another Motion,

Resolved by the Ballot, That Major General Sir S. Auchmuty be appointed second in Council at Fort St. George.

—No. 2.—

MINUTES of the Proceedings of the Court of Directors, deciding which of the Members of Council should be dismissed to make way for Sir SAMUEL AUCHMUTY.

AT a Court of DIRECTORS, held on Tuesday, the 3d April 1810;

No. 2.

Minutes of the Court of Directors, 3d, 6th, 10th, & 25th of April 1810.

A LETTER from the Right honourable Robert Dundas, dated the 2d instant, calling the Court's attention to the necessity of deciding, without further delay, as to which of the Members of the Madras Council is to retire in consequence of the appointment of Sir Samuel Auchmuty, transmitting copies of two Minutes, which Mr. Dundas states Sir George Barlow and Mr. Petrie have respectively recorded, on each other's conduct, and offering his observations on the subject generally, being read;

Ordered, That it lie for consideration till Friday next.

At a Court of DIRECTORS, held on Friday the 6th April 1810;

The Court, pursuant to Order of the 3d instant, proceeding to take into consideration a Letter from the Right honourable Robert Dundas, dated the 2d instant, and which was read in Court on the 3d; the following particulars were read; viz.

Sir George Barlow's Minute of the 21st August 1809.

Mr. Petrie's Minute of the 8th September, both of which were transmitted in Mr. Dundas's letter above-mentioned.

Extract of a Letter from the Governor General to the Secret Committee, dated the 12th October 1809.

A Motion was then made,

That a new Commission be issued for the Government of Fort St. George, and that the following persons be appointed Members of the said Government; viz.

Sir George Hilaro Barlow, Bart. K. B. Governor.
Lieut. General Sir Samuel Auchmuty, Commander in Chief, and 2d in Council.
Thomas Oakes, Esq. 3d.
James Henry Casamaijor, Esq. 4th.

It was moved to amend the said Motion, by leaving out all the words after the word "That," in order to introduce the words, "A new Commission of "Government be issued for the Presidency of Madras, and to consist of the following Persons:

"Sir George Hilaro Barlow, Bart, K. B. Governor;
"Sir Samuel Auchmuty, Commander in Chief, and 2d in Council;
"William Petrie, Esq. 3d in Council; and on the coming away, death or resigna-
"nation, of Sir George Barlow, to succeed to the Government; and
"Thomas Oakes, Esq. 4th in Council.

It being then moved, That the debate be adjourned till to-morrow, and the Question thereon being put by the Ballot,

It passed in the Negative.

A Motion was then made, That the words proposed to be left out stand part of the Question; and the same being put by the Ballot,

It passed in the Affirmative.

The original Question was then put by the Ballot, and the votes thereon appearing to be equal, the Treasurer was called into Court, pursuant to directions in the Company's Charter, and drew that lot which decided the Question in the Negative.

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The Chairman thereupon gave notice, that he would on Tuesday afternoon next, move again the said Question.

No. 2.

Minutes of the Court of Directors, 3d, 6th, 10th, & 25th of April 1810.

At a Court of DIRECTORS, held on Tuesday, the 10th April 1810;

The Chairman, pursuant to notice given by him on the 6th instant, moving the Court,

That a new Commission be issued for the Government of Fort St. George, and that the following Persons be appointed Members of the said Government, viz.

Sir George Hilaro Barlow, Bart. K. B. Governor.
Lieutenant General Sir Samuel Auchmuty, Commander in Chief, and 2d in Council.
Thomas Oakes, Esq. 3d.
James Henry Casamaijor, Esq. 4th.

It was moved to amend the said Motion, by leaving out all the words after the word "That," to introduce the words "a new Commission of Government be "issued for the Presidency of Madras, and to consist of the following Persons:

"Sir George Hilaro Barlow, K.B. Governor;
"Sir Samuel Auchmuty, Commander in Chief, and 2d in Council;
"William Petrie, Esq. 3d in Council, and on the coming away, death, or "resignation of Sir George Barlow, to proceed to the Government; and
"Thomas Oakes, Esq. 4th in Council."

It was then moved,

"That the words proposed to be left out, stand part of the Question;"

And the Question thereon being put by the Ballot, the same passed in the Affirmative.

The main Question being then put, it was

Resolved by the Ballot, That a new Commission be issued for the Government of Fort St. George, and that the following Persons be appointed Members of the said Government; viz.

Sir George Hilaro Barlow, Bart. K.B. Governor;
Lieut. General Sir Samuel Auchmuty, Commander in Chief, and 2d in Council;
Thomas Oakes, Esq. 3d.
James Henry Casamaijor, 4th Ditto.

At a Court of DIRECTORS, held on Wednesday, the 25th of April 1810,

The Dissent of Sir Francis Baring, Bart.
Sir Hugh Inglis, Bart.
John Hudleston, Esq.
Hon. Wm. F. Elphinstone,
James Pattison, Esq. and
John Alexander Bannerman, Esq;—all Members of the Court; to the Court's Resolution of the 10th instant, respecting the appointment of the Madras Government, were read.

—No. 3.—

Copy of a LETTER from the Right honourable ROBERT DUNDAS, to the Chairman and Deputy Chairman of the East India Company; dated 2d April 1810:—With the Enclosures.

To the Chairman and Deputy Chairman of the East India Company.

Gentlemen, Whitehall, 2d April 1810.

No. 3.

Letter to East India Company, from Right Hon. R. Dundas; 2 April 1810.

HAVING frequently had occasion, in different communications with you, to advert to the conduct of the several members of the Government of Fort St. George, during the period of those criminal proceedings which, for some time past, have been submitted to the notice of the Court of Directors, I am desirous of calling your attention to the necessity of deciding, without further delay, as to which of the Members of Council is to retire, in consequence of the appointment of Sir Samuel Auchmuty.

The Dispatches which were received lately by the Rattlesnake have put you in possession of all the proceedings of the Madras Government on the subject to which I allude; and they contain also a detail of occurrences subsequently to Lord Minto's arrival, and his final decision on the course to be pursued, in regard to the officers who had been principally concerned in the mutinous resistance to the authority of Government: but it is to be regretted that you have not received also the Consultations and other Narratives on the ordinary transactions of the Presidency, which are said to have been dispatched by the fleet some time before the sailing of the Rattlesnake.

The conduct of Sir George Barlow has received, and I am satisfied has amply merited, the strongest approbation of the Court of Directors. Mr. Oakes and Mr. Casamaijor, the two junior Members of Council, have also been noticed by the Governor General in terms of great commendation, and they appear to have deserved that testimony of his Lordship's favourable opinion; but it is evident from Lord Minto's letter, that Mr. Petrie has not concurred in the general measures which Sir George Barlow and his other colleagues thought fit to adopt, in the arduous struggle in which the Government was engaged, in support of its legitimate authority. The arrival of the public Consultations, with the Minutes of Council, may be expected to furnish to the Court of Directors additional evidence of that fact; and therefore if the case admitted of delay, and the consideration of it could now with propriety or with safety be deferred, I should not have thought it necessary to address you on the present occasion; but the approaching departure of Sir Samuel Auchmuty has precluded me from following that course, and has, in my apprehension, also rendered it impossible for the Court to delay any longer a decision on the question to which I have already adverted.

I understand that Sir George Barlow and Mr. Petrie, from a natural anxiety probably to justify themselves to their private friends in this country, (the public documents for the Court having previously been dispatched by the fleet) have forwarded by the Rattlesnake, copies of two Minutes, which they had respectively recorded on each other's conduct; and as copies of those papers, authenticated by the signature of the Secretary to the Government, have accidentally come into my possession, I transmit them herewith, in case the Court should not have received them through any other channel.

It is unnecessary for me to advert to several of the topics which are discussed in those Minutes, and which may possibly become the subject of future communications from the Court to the Government of Fort St. George; but there are two propositions on which I have formed a decided opinion, and which I am desirous of submitting to your consideration.

1st.—That

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Letter to East India Company, from Right Hon. R. Dundas; 2 April 1810.

1st.—That the continuance any longer of Sir George Barlow and Mr. Petrie, as Members of the same Council, cannot be attended with any benefit, and will probably be most injurious to the public interest.

2d.—That the general line of conduct which Mr. Petrie recommended, and wiſhed the Government to adopt, during the whole progress of the diſturbances, and which, under similar circumſtances, would probably be adopted if any accident were to place him at the head of the Government (even as temporary President) is wholly incompatible with the maintenance of its authority, and would have a direct tendency to vest in the officers of the Company's Army such a controuling influence in all the acts of the Government, as would not merely be ruinous in point of expence, but would be utterly inconsistent with those principles which the Legislature has eſtabliſhed for the permanent security of the Britiſh Power in India.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed) ROBT DUNDAS.

Copy of Sir GEORGE BARLOW's Minute.

Fort St. George, 21ſt August 1809.

Minute of Sir Geo. Barlow; 21 Aug. 1809.

AS the contest between legitimate authority and faction in these territories is now rapidly advancing to the most desirable termination, I consider it to be necessary to record my sentiments on some of the occurrences which have agitated the public mind, since my succession to the Government of this Presidency. In stating these sentiments, it will be my painful duty to advert particularly to the line of conduct which has been pursued by Mr. Petrie, whose opinions must, from his situation, be received by all as next in importance to my own in their influence on the public welfare.

Among the subjects which have necessarily engaged the public feelings, the investigation of Mr. Sherson's conduct, and that of his servants, in the Grain Department, holds the first place in order, and, from the proceedings founded on that investigation, is scarcely less distinguished in importance. When I arrived at this Presidency I found that circumstances had led to a suspicion of the Accounts of that department, which had already been submitted to the investigation of a Committee nominated by my predecessor Mr. Petrie. The investigation which followed, betrayed the grossest scene of fraud to an immense amount, by means of double Accounts, and the conduct of Mr. Sherson, during the enquiry, in breaking open the desks of his absconded servants, in endeavouring to obtain the suppression of the suspected accounts, by offering, in the event of his being replaced in the management of the department, to take on himself the responsibility of all the deficiencies, notwithstanding the large quantity of Grain which appeared to have been embezzled, and his subsequent attempt to cloak the frauds already detected by a chain of estimates and calculations to which these *frauds had been but too plainly adapted*, left me no doubt as to my duty in proceeding to punish him as the principal delinquent. The case was of a nature which admitted of its being easily misrepresented; the real merits of it could be known only to a few. The Board are well acquainted with the clamour which was industriously and too successfully raised against the Government upon every point of the enquiry, and on its final decision regarding it, is well known to the Board; and indeed, to every person at the Presidency. The clear detection of delinquency on the part of Mr. Sherson, aggravated by peculiar circumstances of violation of confidence, which ought, in well regulated minds, to have raised but one feeling, was drowned in the cry of a numerous and active party against the motives of the first author and promoters of the discovery, while Mr. Sherson was openly and notoriously upheld as the innocent victim of violence, injustice and tyranny.

Mr. Petrie continued to support Mr. Sherson, in whose favour that clamour had been raised, when suspended by this Government, first from all employments, and afterwards from the service, by habitually receiving and countenancing him at his house, as well as by his Minutes in Council 17th and 23d September, and 29th November 1808. A principal object of these Minutes, as well as Mr. Sherson's

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Minute of Sir Geo. Barlow; 21 Aug. 1809.

voluminous papers, is to shew that the original vouchers and documents of the departments, the examination of which has so completely exposed the frauds committed, and to which Mr. Petrie, while Governor, had attached the greatest importance, by appointing a Committee of three Gentlemen to translate them, were undeserving of credit or attention. I refer to the above Minutes of Mr. Petrie, as best shewing whether they are written in the spirit of fair reasoning and cool judgment upon the merits of the case, or whether they are not more calculated to furnish topics of declamation, and to afford encouragement to those who were already loud in the general outcry against the Government.

The clamour of party in favour of Mr. Sherson and against the Government, received material support from the conduct of Mr. Smith, the Civil Auditor, in attempting to cloak the peculations of the Grain Department, by forcing upon the Government an audit not justified by any rules or principles of accounting, and by pertinaciously excluding from his notice the clear fact of actual detected fraud: those irregularities were so flagrant, and the disrespect to the Government was so little concealed, that the conduct of Mr. Smith could not be attributed to any other cause than the blindness of factious party zeal; it could not have originated in any motives of self interest in Mr. Smith, nor was he suspected of such motives. The removal of Mr. Smith from the duties of an office which he had perverted, added to the violence of the factious clamours against the Government, which the Minute of Mr. Petrie, of the 13th March 1809, naturally tended to foment. In that Minute, and in the public clamour, the absence of corrupt motives was considered as entitling Mr. Smith to an acquittal from blame, and it was forgotten that the Government had to protect itself against factious opposition, as well as to punish corruption.

Another fruitful source of obloquy against the Government, has been its conduct with reference to the prosecutions in the Supreme Court, connected with the subject of the Carnatic Debts.

The Commissioners appointed by the Right honourable the Governor General in Council, and invested by the covenants entered into between the Honourable Company and the Creditors, and by the Legislature, with powers wholly independent of the Governor, applied to this Government for the professional assistance of their Law Officers in certain cases, in which they considered that assistance to be of importance to the objects of their appointments. Their Government complied with the request of the Commissioners, whom they considered to be the only competent judges of the question. In this, as well as in every other part of that discussion, our view of the subject has since been fully confirmed by the Governor General in Council in his letter to this Government, dated 24th April last. This interference of the Government soon became, in the then agitated state of the public mind, an additional source of loud complaint; the cause of Government was identified with that of the servants of the Nabob, who had been appointed to assist the Company in the examination of the Durbar Accounts; and these servants stood their several trials under all the load of public odium which faction could heap up againſt a cause to which the Government had considered it to be its duty to afford its support. Three successive verdicts, to each of which the Supreme Court has refused to give effect, ſhewed the misguided state of the public feelings. That constitutional interposition of the Court became in turn the object of invective: a body of gentlemen, headed by Mr. Roebuck, voted an address and a piece of plate to the counsel for the late prosecutions, as a champion of the rights of Juries, which were pretended to have been violated by the acts of the Court, under the influence of the Government.

I have moſt sensibly felt the support and countenance which that factious outcry received from the Minutes of Mr. Petrie dated 30th December 1808, and 10th and 15th February 1809; in which he insists, that the interference of the Commiſſioners and of the Government was improper.

It will be remembered, that these trials took place at the same moment when Lieutenant General Macdowall, after visiting several of the divisions of the Army, and disseminating those principles of insubordination, the direct consequences of which have of late been so dreadfully felt, had returned to the Presidency, where his presence contributed to unite into one mass the whole body of oppositions against the interests of the Government; to him also, a number of gentlemen, principally in the civil and military services of the Government, headed by Mr. Roebuck, paid

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the tribute of approbation by the vote of an address and a service of plate, to which his true claims with most of the subscribers cannot be misunderstood.

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When the opposition to the Government had acquired such a strength as to impede the public measures, it became the duty of the Government to suppress it. Among others, the conspicuous part taken by Mr. Roebuck in every point in which the public interests had been opposed, led to his removal to a situation in which it was supposed that his exertions might be better employed. Upon this occasion also, I had to lament that by the Minute of Mr. Petrie, dated 15th February last, this act of the Government was attributed to causes very different from those in which it originated, and that it received a construction calculated to inflame the mind of the public, already but too much agitated.

Thus in every question in which the Government has had to contend against the public clamour, until it found itself obliged to repel the seditious acts of the officers of the Company's Army by the strong hand of authority, Mr. Petrie had withheld from the act of the Government the support of his opinion, which was, on the contary, thrown into the opposite scale.

When the subsequent questions relative to the seditious conduct of the Army, which directly involved the public safety, came successively under the consideration of Government, Mr. Petrie, although he did not in council oppose the suspension of Major Boles and Lieut. Col. St. Leger, or of the other officers, from the service of the Honourable Company, yet, when it became generally known that a large portion of the Army had subscribed for Major Boles's indemnification, and openly treated him as a martyr in their common cause, it is notorious that this officer was habitually received at Mr. Petrie's house. It is equally notorious, that, when Lieut. Col. St. Leger had been suspended for conduct which seriously endangered the authority of the Government, and was permitted to come to the Presidency only to prepare for his embarkation, he also was received at the house of Mr. Petrie.

It was of the utmost importance to the Government in the late struggle, that there should appear to be a decided unanimity in the Councils of Government on all the points connected with the support of its authority against every encroachment; the countenance, therefore, which Mr. Petrie afforded to the suspended officers could not fail to be productive of the most prejudicial effects on the public interests, and there accordingly appears to have been but one impression abroad, as to the feelings and opinions of Mr. Petrie, with regard to the late measures of the Government.

This general impression was confirmed by a late occurrence, which presented to Mr. Petrie, equally with the other members of the Government, an opportunity of giving the most public and decided proof of their sentiments on the conduct of the officers of the Company's Army. In the commencement of a rebellion, apparently most formidable, I had acquiesced in the proposal of an Address being presented to me from the most respectable persons in station and rank in the Settlement, in the hope that their opinion might have some influence in recalling the infatuated officers to a sense of the enormity of the crimes into which they were plunging. That paper will remain for ever in my mind one among many instances of the benefit which has resulted to my Government from the loyalty and public spirit of that revered magistrate the Chief Justice, Mr. Thomas Sharpe, of Mr. Oakes and Mr. Casamaijor, two of the members of the Council, and of Major General Gowdie, commanding the Army in chief, whose names were at the head of a list of highly respectable individuals, who came forward at that critical moment to support the cause of legitimate Government.

Above all in importance at that juncture would have been the signature of Mr. Petrie to that Address. One body of the Army was actually in rebellion, two others were upon the brink of it. It seemed to be possible that a knowledge of the unanimous opinions and determinations of the members of Government respecting the criminal course which the officers of the Army were pursuing, and of the certainty of the consequences of their adhering to it, might have made them pause. The Address contained no reference to the past acts of the Government, in approval of its measures; it was confined to the mere pledge of support to lawful authority, and disapprobation of the mutinous acts of the Army. I cannot understand upon what principles any member of this Government, or any faithful subject of the King, could withhold his signature from that Address, holding the important situation which

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Mr. Petrie fills; I view his refusal to sign it as a public avowal that he did not wish to be considered as disapproving the acts of the Army, and desire to discountenance, by the additional weight of the name of the second member of the Government, the criminal designs which that Army had formed against it.

It will remain with Mr. Petrie to explain his motives for having thus systematically countenanced the corrupt, factious and seditious proceedings, to which I have adverted: it is my duty to notice his conduct, from the prejudicial example which it has afforded to the service, from the serious impediments which I have received from it in the administration of the affairs of Government, and from the injury which it has occasioned to the public interests.

(Signed) G. H. BARLOW.

Madras, 8th September 1809.

Minute of Mr. Petrie; 8 Sept. 1809.

IN a ſhort Minute which I delivered in on the 30th ult. I acknowledged having received the preceding evening, the Minute of the Honourable the Preſident, dated the 21ſt of laſt month, and ſignified my intention of replying, with all practicable dispatch, to the numerous and severe animadversions which that Paper contained upon my public conduct for the laſt twelve months; and imputing to me a considerable part, if not the whole, of the effects which have resulted in the natural and almost necessary order of things, from causes of much greater magnitude and importance.

Although the Minute of the Honourable the President, professes to be a record of his sentiments on some of the occurrences which have agitated the public mind since the commencement of his adminiſtration, I cannot discover that it contains any other matter, or that it has been written with any other intention, than to convey a severe invective and general accusation againſt my conduct as a member of this Government.

From a series of occurrences of which at preſent I ſhall only speak as far as is necessary for the explanation and vindication of my conduct, the Britiſh intereſts under this Government have been brought into a ſtate of more imminent risk and danger, than was even experienced in the moſt arduous ſtruggles of former times, when our possessions were over-run by a hoſtile force, and when the Army of Hyder Ally approached to the walls of Madras; and although we have moſt providentially, I had almoſt said miraculously, escaped from the immediate effects of the storm with which we were threatened, it is natural to suppose that Government, our immediate superiors, and the public at large will require to, know from what cause, or by what means the State has been exposed to such an alarming crisis, which in my opinion, is to be traced to an origin, and to causes of a very different nature to the one assigned by the Honourable the President. To judge from the tenor, the evident temper and apparent tendency of the Minute of the Honourable the President, I cannot avoid concluding that the intention is to throw the responsibility of the late events, or at leaſt a considerable part of them upon me, and to impute to my opposition to his measures the consequences, which are in my judgment deducible in a great degree from those measures themselves, and unconnected with any other cause.

In this part of my reply, I ſhall confine myself as closely as possible to the subject of Sir Geo. Barlow's Minute; and however acute my feelings on being obliged, after more than 40 years public service, to defend my character from such deliberate, unexpected and unfounded charges, I truſt those feelings will not for a moment induce me to lose sight of the respect and attention which is due, and which I have always paid, to the President of the Council.

In explanation of certain circumſtances on which the Honourable the President has founded his firſt cause of complaint againſt me, but which he has not fully or diſtinctly detailed, it is necessary that I ſhould advert to some circumstances which occurred previously to my opposition to the measure againſt Mr. Sherson.

When absent from the Presidency in the month of June last year, on account of my health, I first heard of considerable discontents in the Army, and understanding that they partly arose from the reductions which were then carrying into effect, I wrote to such of the principal officers of the Army as I was acquainted with, and explained to them, that the reductions were in consequence of orders from the Court of Directors

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Directors and the Supreme Government; that they had been commenced under the administration of Lord William Bentinck, carried out by myself; and that Sir George Barlow was now only following up and carrying into effect the same orders. At the same time I took considerable pains to remove the misconceptions which had been formed relative to the abolition of the Tent Contract; and to shew that whatever popularity attached to that measure, no part of it ought to fall on the present Governor.

Much about the same time, the late Mr. Hurdis visited me at Cuddalore, and strongly urged my immediate return to the Presidency, as he thought I might be of use in stopping the growing discontents of the Settlement, which, he said, had arisen from the apparent harsh and severe tendency of the measures of Government, especially on the proceedings against Mr. Sherson, which to many appeared to be repugnant to the rules of the service, and the rights of the Company's servants when under accusation. Mr. Hurdis is not alive to confirm this statement, but there is a gentleman now in the Settlement who was present with me at that time.

On my arrival at Madras the ensuing month, I found a very general dissatisfaction, not only among the Company's servants, but in the society at large (as I was informed, for my health did not enable me to mix much in company), and that the proceedings against Mr. Sherson were very generally condemned. However much it may be the wish to impute every impression unfavourable to the Government to my means, it will not, I suppose, be said that I participated in the causes which gave rise to the unpopularity that then prevailed in the Settlement. I had been absent, I had given no opinions on the subjects under discussion, nor was my judgment made up on Mr. Sherson's case, until some time after my return. Mr. Sherson was not, I think, calculated to collect or to head a party, nor was his cause likely to interest the service, but it was the unprecedented manner in which the enquiry into his conduct was carried on, which was generally considered to be a dangerous departure from principles not less sanctioned by law, than by the established practice of the service, and introducing an innovation on the forms of enquiry which might operate with equal disadvantage to the innocent as well as to the guilty. It was my positive duty to investigate the subject to its bottom, not only with regard to the public, but to myself from having concurred with Lord William Bentinck in the arrangement which placed Mr. Sherson in charge of the public grain. Every Paper and Statement I considered and examined with unbiassed attention. I neither gave up my judgment to the opinions of the Advocate General or to the Committee, but I searched for truth myself in those Documents and Papers of which I was as capable of judging as either of those authorities. During this examination I had frequently occasion to send for Mr. Sherson to explain certain entries on the Accounts and Statements, which he could best do, but except on those occasions, I believe Mr. Sherson very seldom came to my house; but if he had, I should not have conceived that I was doing wrong in receiving him, because I have been brought to consider every man innocent until he is proved to be guilty. The result of my examination, and every opinion I formed upon that subject, I communicated fully to the honourable the President. I stated at much length, in different conversations, the grounds on which I disagreed with the majority of the Committee in their reports against Mr. Sherson, and when I found that I could not conscientiously concur in the sentence of the President in Council, it was my duty, as it has been repeatedly explained and enforced by the honourable Court of Directors, to record my dissent. To that paper, which is on record, I must refer; and although I must be mortified by the manner in which the honourable the President has noticed that Minute, it is allowable for me to hope for a more favourable decision from our superiors at home. My reasoning may be weak, and facts may be misconceived; but I apprehend there never was a Minute entered on our proceedings more free from declamation than the paper to which I now allude

With respect to the opinions I recorded on the removal of Mr. Roebuck and Mr. Cecil Smith from their offices, however much I regretted the necessity I was under of disagreeing with the honourable the President on the justice and expediency of those measures, I must still adhere to those opinions, and trust to the candour of the honourable Court for a more favourable construction of my motives than they have received in the strictures to which I am now replying. I had no interest in these discussions, I could have none; if I were convinced of the innocence of these Gentlemen, was it not my bounden, my indispensable duty, to oppose their punishment. I thought them valuable servants of the public, and it was my duty to support them; I thought

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I thought the service would suffer from their removal from important situations for which they were peculiarly well qualified, and it was my duty to dissent to the measure. I did not know until now that I had incurred the displeasure of the honourable the President for so doing.

Is a Member of Council merely to give his assent, his Minute to record, or register the acts of the Governor? Very different duties are allotted him by the honourable Court, who enjoins him, under pain of their displeasure, to record his opposition if the subject shall appear to him of importance to require it.*

I regret that it has been found necessary by the honourable the President to bring into the list of accusations against me the name of the late Mr. Roebuck, who has sunk under his misfortunes with circumstances of peculiar distress to his family, and whose death has been sincerely deplored by all who knew him, and justly appreciated his merits. I have known Mr. Roebuck intimately for more than 20 years. I was his friend while living, and will not abandon his memory when dead; more especially as that event has taken place without his having had an opportunity of clearing himself of the accusations recorded against him.

I was not connected with, nor did I communicate with any of the parties to which the honourable the President alludes; but I have been assured by those who cannot be deceived, that Mr. Roebuck neither "headed" the party of Gentlemen who voted the piece of plate to General Macdowall or to Mr. Marsh, and that his being the Chairman at the meeting was entirely accidental, without any previous intention or arrangement. As this subject has been brought forward on the present occasion against me, I have enquired into the occurrences, and have obtained more information than I possessed before. I have also seen the list of the names of the Gentlemen who subscribed to the complimentary presents to General Macdowall and Mr. Marsh, and find amongst them some of the most respectable members of our Society, whose attachment to the present Government has not only never been called in queſtion or doubted, but, on different occasions, some of these Gentlemen have been distinguished by public and very marked approbation. Until now I am not certain that I ever saw the Letter or Address to General Macdowall. I have read it since, and find the compliment paid is merely confined to his private and social qualities, without one expression that, by the most forced construction, can be made to apply to those subjects which soon afterwards produced such an unhappy misunderstanding with the Government.

The honourable the President is perfectly correct in imputing to the Trials, Verdicts, and Proceedings in the Supreme Court, relative to the forged bonds of the late Nabob, the very general agitation and interest which appeared to affect the community, and to produce, not the clamour of a faction as it is termed by the President, but a sentiment nearly unanimous throughout the Settlement, not in its origin nor object manifesting either opposition or disrespect to the Government, which certainly ought not to be considered as a party in these trials, as we act merely for the Company, and should have no other interest in the investigation of the claims than to prevent the misapplication of the fund they had gratuitously granted to the creditors of the late Nabobs; and it should have been the same to us whether frauds and forgeries were detected by the talents of Mr. Marsh, or by the ability and labours of the Company's Counsel and the Commissioners. The subject of the trials was a struggle and contest, not only for the division of property, but in the course of the proceedings, questions of great moment and importance upon more general rights and principles were brought into discussion, in which, in my opinion, Government ought to have remained perfectly neuter.

That three successive verdicts of as respectable Juries as were impannelled at Madras should prove the misguided state of the public feelings, appears to me a most extraordinary mode of establishing the fact, which is assumed, but not proved. To an English mind, I apprehend, the premises would lead to the opposite conclusion; at any rate, whatever might be our private feelings or opinions on this singular case, a variety of reasons existed at that time which should, in my judgment, have prevented the open interference of Government in those trials. It was from

* Vide Act of Parliament, and repeated Orders of the Honourable Court on various occasions, particularly with respect to the dissents of Mr. Saunders during the government of Lord Hobart; and in my own case, during the administration of Lord Clive and Lord William Bentinck.

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that interference, and in some instances not a common interference, that the Settlement expressed an alarm at the Executive Supreme Authority having thrown its influence and power into the scale of one of the parties. It is necessary for my defence that I should explain the grounds of my opinion more fully than I have hitherto done. To avoid the appearance of a wish to oppose, the Minute I recorded at the time contains little more than a general disapprobation and dissent to the proceedings; I am now sensible that I acted too much under the influence of that wish, and that, to prevent controversy, I have on too many occasions avoided to record the conviction I felt on the danger and inexpediency of the resolutions of Government. If this charge is brought against me, I must plead guilty.

In the unlimited support which we gave to the Commissioners for investigating the Carnatic Debts, it appeared to me that we were unnecessarily interfering in discussions of private property; and in the measures we adopted for supporting the persons convicted of capital offences, by means which were generally understood to have a direct tendency to influence the Juries, and to mark the displeasure of Government in cases where the Executive Power should never be seen or felt. Is it not more probable that the agitation in the public mind was produced by the verdicts, and the subsequent measures, than that the verdicts were influenced by the clamour of the Settlement, and the misguided feelings of the Juries? I thought we acted unconstitutionally, and involved the Company and ourselves in an unnecessary and weighty responsibility. I was also of opinion, that we extended the support of Government far beyond what was in the contemplation of the honourable Court of Directors, when they transmitted to us their orders on this subject.

These being my deliberate and conscientious opinions, I did not more than my duty in recording my dissent, in which I defy the ingenuity and malice of my enemies to point out an expression, or to mark a sentiment, which indicates a desire to oppose or to dissent from the operations of Government—Nay, I will appeal to every candid mind, if it is not apparent from the style and manner of every dissent which I have entered on our proceedings during the government of Sir George Barlow, that I performed that duty with reluctance, that I have avoided every thing like declamation or controversy, and that I have confined myself briefly to the object of the dissent; but even if my dissents had been of the nature and tendency described by the President, how could they have furnished topics of declamation, or encouraged the outcry against the Government, unless they had been published or circulated in the Settlement. By me they certainly never were.

It is necessary here to explain, in order to prevent the effect which was perhaps intended by the remark, that the Governor General approved of those proceedings of the Madras Government, that I am fully aware of this approbation which has since been given to those measures; but as my opposition to them took place before any decision was received from that authority, I am now justified in explaining the view I took of the subject, and the grounds on which my opinions were founded. I beg leave to be understood as applying the same explanation to certain subsequent measures of this Government, in which I did not concur, and which have since been sanctioned by the Supreme Authority. No disrespect can be imputed to me for indulging a hope, that, if all the circumstances connected with the cases on which references were made had been known to the Governor General, his decision might in some respects have been different.

In expressing this sentiment, it is far from my intention to insinuate that this Government withheld from the Governor General in Council any information which it was judged necessary to communicate to him.

I have now to answer those parts of the honourable the President's Minute, which appear to me the most serious and important, as they impute to my conduct consequences with respect to the Army, which, by insinuation and inference, may be worked up into an offence of a very criminal nature.

It is certainly altogether unexpected, and not a little painful to me, to be called upon at this advanced period of my public service to repel an accusation of this description and tendency; but the charge has been preferred, and it is incumbent on me to reply to it with firmness, moderation, and respect.

The President states, that when Government was obliged to repel the acts of the Army by the strong hand of authority, I withheld from the act of the Government the support of my opinion, and that on the contrary, I threw it into the opposite

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scale. As I thought the measure of Government was calculated to create a dangerous ferment in the Army, I could not support it with my opinion, but I positively deny that I gave any support to those who opposed the Government. The honourable President proceeds to say, that although I did not in council oppose the suspension of Major Boles and Colonel St. Leger, or of the other officers from the service, yet, when it became generally known that a large part of the Army had subscribed a sum of money for Major Boles, and treated him as a martyr in their common cause, it is notorious that this officer was habitually received at my house; and when Colonel St. Leger, after his suspension, was allowed to come to the Presidency, it is equally notorious that he was also received in the same manner. How the notoriety of these visits at my house has been established, or by what means the honourable the President acquired this knowledge, I shall not at present enquire; but I positively deny the accuracy of the report that has been made, and affirm, that in the sense the expression of the honourable the President will be generally taken, these officers were not habitually received at my house. That Colonel St. Leger, Major Boles, and Captain Grant, who with honourable distinction commanded the Body Guard during three administrations previous to the present, occasionally, not habitually, called upon me, I acknowledge and avow; for, as all the objects of my communications with these officers were, through their influence, to allay the alarming ferment which was rapidly spreading from one station of the Army to the other, to preserve peace and prevent disorder, I can have no desire to conceal them. I was assured by Colonel St. Leger, on the honour of an officer and a gentleman, that he was guiltless of the charge for which he was degraded, as he could have proved to universal conviction if he had been allowed a hearing; that so far from exciting the officers under his command to insubordination and disobedience, he had incontrovertible evidence to shew that he had endeavoured to check their agitation, and to discourage every idea of openly opposing the authority of Government.

Part of this evidence he communicated to me, which was not less honourable to his feelings and his intentions, than it was conclusive of the alarming fact of a most dangerous combination in the Southern Army to resist the Orders of Government, and to insist on a redress of grievances. This, with many other proofs of encreasing dissatisfaction, I have reason to believe were communicated, although not directly, by Colonel St. Leger and Captain Grant, to Sir George Barlow; of this fact I was assured by these two officers.

I must beg leave to call to the recollection of the honourable the President, that when he expressed a wish to the Members of Council, after our meeting of 1st May, that the officers who had fallen under the public displeasure of Government should not be invited to the houses of the Members of Council, I remarked, that such had not been the usual practice of this Settlement, unless the offence of the officer was of such a nature as to affect his moral character, and to render him unworthy of being admitted into general society; but that, agreeably to the wish of the honourable the President, I should observe the rule he desired to be established. From that time until the departure of Colonels Bell, St. Leger, Major Boles and Capt. Grant, not one of these officers was ever asked to my house. Col. Bell I never saw after his removal from his command, although I had long known and greatly esteemed that respectable officer, of whose fidelity and attachment to the Government and the service I had received the most unequivocal proofs.

Col. St. Leger, whose rank in the army, whose recent brilliant services in Travancore, so publicly and honourably acknowledged by Government, the rank and distinctions of his family entitled him to attention in society, which were certainly not obliterated by his late suspension, called upon me on his arrival at the Presidency at the hour of breakfast, which, according to the custom of India, is the usual time when visits are received by people of a certain rank in the Settlement. I trust, even the President will not be disposed to blame me for admitting Col. St. Leger, under these circumstances, to take a seat at my table. I am not certain, and really do not remember, if Major Boles ever breakfasted with me after the orders of the 1st May: it is possible he may, but not within my recollection.

These officers, whom I have said occasionally called upon me, did not do so on the subject of their own sufferings, or to prefer complaints against the Government; for I declare most solemnly, that on these topics they never once addressed me, except to give the most positive assurance that they asked for no revocation of the orders respecting themselves, and would wait with patience the decision of the Court

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of Directors. Their communications with me were on very different subjects; and whatever prejudice I may do my own cause by defending theirs, I ſhould be guilty of the moſt unmanly injuſtice if I were not to declare, that these officers laboured most zealously and ſincerely to prevent the violent measures which have since taken place.

Major Boles, I have grounds for believing, was not previously informed of the intentions of the Army with reſpect to himself; and I am further convinced, that he would cheerfully have relinquished the pecuniary assistance they proposed to give him, to have allayed the agitation which was then beginning to assume an alarming aspect.

I could not imagine that by endeavouring to ascertain the real state of the public diſcontents by fair and honourable means, and by encouraging these gentlemen in using their influence with their brother officers to repress the spirit of insubordination, which had already broke out in different divisions of the Army, that I was departing from my duty, or subjecting myself to the imputation of encouraging the complaints of the officers.

The honourable the President thought the diſcontents of the Army were confined to a few—to a faction composed of a small number of seditious officers—whereas, my information induced me to believe that the sentiments of irritation under the late measures was general, and agitated nearly all the corps in the Army. The enquiry was not for myſelf, it was not for the gratification of idle curioſity, and still leſs for ſuch improper purpoſes as is more than insinuated in different parts of the President's Minute; but it was to be well informed upon one of the most important subjects that ever came under the consideration of an Indian Government. The results of my enquiries were not concealed from the President; and as often as he afforded me an opportunity of speaking to him, I fully communicated my opinions and sentiments, and the serious apprehensions I entertained that we were urging on a crisis which might prove the ruin of our power in India.

In the conviction produced in my mind from the information which I obtained from these and other respectable sources, I thought it my duty to recommend and to support, by every argument I could suggest, the policy, the expediency, nay, the indispensable necessity of adopting measures of lenity and conciliation, and to avert the consequences which have in part been so fatally felt.

I contemplated the revolt of the Army, or a Civil War, as a calamity of such infinite magnitude, that hardly any sacrifice was too great to prevent it. As to my own sentiments and opinions on the late deplorable occurrences, I trust they are well known, and I flatter myself they will do me no discredit with my Employers and my Country when it may be neceſſary to produce evidence in defence of my conduct; they were confined to a few points, and may be explained in a few words. The grievances of the Army or of Individuals, whatever they may be, can only be redressed by the means presented by our blessed Constitution, and that to attempt redress by force, violence and aggression, would probably lead to scenes of bloodshed, horror and convulsion, unparalleled in an Eastern History. No man has exerted the means he possessed with more unremitting zeal than I have done to check the excesses in the Army. By my own influence, which, from having been known for a number of years to the higher class of Officers in this Army I was told was considerable, and by the influence of others with whom I communicated at the Presidency, I never ceased to point out the fatal consequences of revolt against the legal Authority, and by every argument and inducement which seldom fail to operate on an English mind, I endeavoured to moderate and restrain their exasperated feelings within the bounds of reason, propriety, and duty.

I have had but few correspondents amongst the Officers at the out-stations, and for the last two or three months none, but I have communicated confidentially and fully with some public Officers at the Presidency of acknowledged honour, respectability and experience, and when neceſſary, I shall be happy to call upon them to bear testimony to my opinions; to the horror I invariably expressed at the excess of the Army, and to the anxious solicitude which I manifested for the restoration of tranquillity and subordination; and I will plead guilty to the whole of the Charge if it can be proved, or even rendered probable, that I expressed a sentiment or uttered one word which tended to encourage the discontents of the Army.

If the honourable the President means to say that I recorded no dissent to the suspension of Major Boles, and the many others which took place from the Orders

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of the 1st of May, he is perfectly correct. But if it is the intention to infer from this, that I concurred in those measures, or that I expressed no disapprobation of them, or apprehension of their injurious consequences, I must positively deny the fairness of the inference. I flatter myself the honourable the President will recollect, that in various conversations on these subjects, I stated, clearly and explicitly, my opinion of the impolicy of the measures of severity we were pursuing; that I considered them inapplicable, hazardous, and totally disproportioned to the object, and to the magnitude of the emergency. I thought we were risking by far too much, and that rather than conciliate the Army, we were endangering the security of our Indian Empire. That greater powers than ours had conceded to expediency or necessity, and by wisely bending for the moment to circumstances which power cannot controul, have averted and turned aside the overthrow of the State, and the extinction of all Constituted Authorities. To my judgment, the repeal of every Order passed for the last eight months would be a lesser evil than the shedding of a drop of British blood in a civil contest; upon the whole of this subject I had the misfortune to differ widely from the honourable the President. To him it seems to have appeared, that under almost every circumstance, concession must be considered as the greater evil; whereas to me, as a feather when placed in the scale against the revolt of the Army, a Civil War, and the probable loss of the Country. In this difference of opinion there was, I hope, nothing criminal. Men with equal good intentions, may see subjects of great importance in a different light. He thought it better to risk an immense stake, an Empire, than rescind an Order; but in a case so disproportioned, in which we might inflict a mortal wound on the interest of our native country, I wished to yield the form rather than endanger the substance. I impute to no man who differs in opinion with me on these subjects, any other motives than what are honourable and just; but I must regret that I have not experienced the same liberal candour from others as I have shewn to them. One might infer from the apparent construction of certain parts in the honourable the President's Minutes, that criminality attaches to me generally, for having opposed any of the measures of his government; and I am the more induced to take this interpretation of his sentiments, from the disapprobation he has avowed at recording dissents, even on occasions when every tie of duty called on a Member of Council to exercise his judgment, and record his opinions. Opposition and controversy are always painful to me, but until the Honourable Court is pleased to rescind its repeated orders upon this subject, and the Legislature to relieve the Members of Council from any joint responsibility, I shall consider it to be my duty to obey these orders, and to conform to the sanctioned practice of this service. It is therefore, I trust, evident that opposition to the measures of the honourable the President, cannot in itself constitute any ground of criminality or offence, and that such opposition is only culpable if it betrays great want of judgment, or dereliction of proper principles. I hope I am guilty of no disrespect in observing, that on the merits or expediency of the measures we are still at issue.

It is my duty to obey any order of Government while I remain in the service of the honourable Company, and I have invariably done so to the best of my judgment but where a difference of opinion has arisen, I am justified, nay it is my duty, to support my opinions by the best reasons and arguments in my power.

The honourable the President cannot feel more pleasure than I do on the prospect of returning tranquillity, but I cannot admit that it is conclusive or satisfactory evidence against my judgment, or to the sound policy of the proceedings I thought myself obliged to disapprove. The measure, or expediency of measures, ought not to be tried by the event; they may have been impolitic and dangerous, although, by great and singular good fortune, the result has proved successful: should those we have pursued be crowned with the most complete and brilliant termination, yet if it should nevertheless appear that more has been risked than in wisdom should have been exposed to danger, I apprehend a decision will not be passed in our favour.

I sincerely rejoice in the present calm which has succeeded the rudest tempest, that ever assailed our Eastern Empire; and I ardently hope that the consequences of this unnatural conflict, this new era in the history of Hindostan, may have no unfavourable effects on the security and permanency of these valuable and important possessions.

Although not immediately or directly connected with the Charges against me, yet from the singular nature of the present case, the situation in which I am placed, and the

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the evident intention of criminality, my judgment or my principles, for the opinions I have entertained on the subjects which led to the unhappy agitation in the minds of the Army, I hope I may be permitted to offer a few observations in order to shew the grounds and principles on which I formed my judgment, and adopted the opinions which at different times I have explained to the honourable the President. No man can be less disposed to approve of the intemperate order which General Macdowall publiſhed to the troops previous to his departure, or to palliate any misconduct which tends to encourage sentiments of insubordination in the Army; and although I fully admit that the publication of that order was disrespectful to Government, and called for a suitable manifestation of our displeasure, yet in my opinion our paramount duty was to have considered not the extent of our power to puniſh General Macdowall, but to have taken such measures as, in our deliberate opinions, were best calculated to counteract the effects we apprehended, and to prevent injury to the public interests. Upon every view I then took of the case, and as it now appears to me, not from the subsequent events, but from circumstances connected with the opinions I then formed, I am decidedly of opinion that we ought to have abstained from any act of personal hostility to General Macdowall; to have cautiously avoided a measure which would most certainly increase the agitation in the Army; and, while we vindicated the authority of Government by the publication of an appropriate order, to have allowed the General to leave India without any further marks of our displeasure. If we had fortunately pursued this course, I am convinced that the General, and the order, would have been forgotten in the course of a few weeks, and in this opinion I have been fully confirmed by the concurring sentiment of the most respectable officers in the Army, and of some who disapproved of the General's last order as much as any Member of Government. The measure we adopted neither intimidated nor convinced; the subordination of the Army was not improved; the bonds of obedience were not strengthened; nor did we add luſtre to the dignity of Government by impressing the minds of the Officers with more juſt and suitable ideas of our power and authority. The removal and suspension of Colonel Capper and Major Boles, the Adjutant and Deputy Adjutant General, for acting officially in publiſhing the general order to the Army, was regretted and condemned by almost every Officer in the Establishment, and not less so by those in His Majesty's service than by those in the Company's Army. It was a new, a singular, and generally thought to be a dangerous case, to punish Officers for obeying the orders of their superiors, and for doing what the Military affirm could not be construed into an illegal act; nor could the most extravagant conjecture impute to these two Officers the remotest intention of creating a mutiny in the Army. It was universally considered as a dangerous innovation in military practice, and a new feature in the constitution, which by encouraging the Army to form itself into a deliberative body, would naturally lead to insubordination and disobedience in all the gradations of military rank and authority.

It was said, that if subordinate officers are brought to discuss and decide upon the legality of the orders of their superiors, we introduce a practice of incalculable evil, neither justified by the spirit or practice of the laws. Is it not better, they said, to let the responsibility rest with the authority which issues the order, except in cases so plain that the violation of the established laws is evident to the meanest capacity. But whether these opinions, with the of which I was so strongly impressed at the period of the suspension of the two officers on the General Staff, were well or ill founded, it is not for me to decide. The highest authority in India, to which I shall ever bow with submission, has established the distinction, and has defined the bearings and relations of this most delicate question.

It is not I conceive necessary, on this occasion, to offer any observations on the subsequent measures pursued by this Government, towards the officers of the Army; many of them appeared to me inexpedient and hazardous; and although for the present, general tranquillity has been re-established, I must ever regret that it was judged necessary to resort to extreme measures, which have given a serious shock to the constitution, the discipline, and subordination of the Company's Native Army, which have agitated and disturbed the minds of the Native Troops, and taught them to contemplate distinctions of infinited anger to their future fidelity and attachment.

I think happier effects might have been produced at a less expence. The Coast Army I have known from my earliest youth; I have seen, respected, and admired their gallant services, which have so often been the theme of praise and exultation.

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I have lamented their errors, and have bitterly deplored and hold in abhorrence their excesses; whatever influence I have has been zealously employed to check the progress of disorder; and to recal the misguided officers to a sense of their duty. To the very few with whom I have communicated, I can confidently appeal for my sentiments and conduct on the late melancholy events; and although I will not now agitate a question (however favourable its result might be to myself) which can in any respect embarrass the proceedings of Government, yet, when this cause no longer exists, it may hereafter be allowable for me to shew that, in some cases, my exertions have not been altogether ineffectual.

I am obliged to the honourable the President, for having given me an opportunity of explaining the circumstances respecting the late Address of a part of the inhabitants of this Settlement to the President in Council, or the Government, as far as I am interested in that transaction, although it is too evident that sentiments of a very different nature than kindness to me, have rendered this explanation necessary.

Before I enter into any general observations upon the Address itself, its merits and tendency, I will take the liberty of inserting the following copy of it; with the Letter I wrote to the honourable the President, which assigns my reasons for not signing the Address, and which I thought would have prevented any unfavourable construction of my conduct.

"To the Honourable Sir G. Barlow, Baronet, Knight of the Bath, Governor and President in Council of Fort St. George, and its Dependencies, &c. &c.

"Honourable Sir,

"WE whose names are hereunto subscribed, impressed with a deep sense of our duty to our country, and of the necessity of good order and obedience to the Constituted Authorities, beg leave to tender you at this moment of difficulty and danger, our assurances of support to the interests of Government, and of our readiness to devote our lives and fortunes to the maintenance of the public tranquillity in any way which to you in your wisdom may seem meet to command them. We desire to take this opportunity of publicly expressing our fullest disapprobation of that spirit of insubordination which has recently shewn itself amongst the officers serving under the Presidency of Fort St. George, fully convinced that it is the duty of every good subject to yield obedience to the command of those whom the will of his Sovereign, and the Laws of his Country, have placed in authority over him, and patiently to await the result of a reference to Europe for the redress of supposed grievances; any conduct impatient of the period of such appeal, and backward to the calls of professional service, we regard as subversive of all good order and discipline, hostile to the constitution of our native country, and big with danger to the existence of the British Empire in India; and we therefore, honourable Sir, beg to repeat the assurances of our firm determination to resist the operation of such principles, which we are convinced must be equally reprobated and condemned by all good and loyal subjects."

"Fort St. George, July 1809."

"To the Honourable Sir George Barlow, Bart. K. B. &c. &c. &c.

"Dear Sir,

"The enclosed paper was sent to me yesterday afternoon, and as it appears to me, after mature and serious consideration upon the subject, that I cannot with propriety give it my signature, I am desirous of explaining my reasons to you, to prevent misconception, which, however, I do not anticipate from you.

"As the Address is to the President in Council, or to the Government of which I am a member, I think on that ground alone, if there were no other objections, there would be an inconsistency in my signing it; but as there are other considerations, and of more moment, which direct my judgment on this occasion, I shall now take the liberty of explaining them to you with truth, candour, and sincerity.

"I think this Address proposed to be presented by the inhabitants is premature and unreasonable. I can discover no good purpose that it can produce; but I foresee many serious inconveniencies which may result from it. This declaration will not add to the powers or authority of Government, the sentiments of the inhabitants of Madras cannot controul the Army; but published in this manner, they will create a great and general alarm, not confined to the European part of the Settlement, but diffusing itself through the numerous bodies of natives which compose the population

of

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of the Black Town and its vicinities; and producing great individual distress and public embarrassment. This unqualified and strong declaration from the inhabitants is certainly premature, for I hope and trust there is no immediate cause for alarm of this extraordinary tendency. I think it also inexpedient and impolitic, as it will tend to widen the breach which it has been the first wish of my heart to heal, for I must ever contemplate a civil war in our Army as the greatest calamity that can befal Britain in this country. But, thank God, the sword is still in the scabbard, where I trust it will remain until drawn against the enemies of the State. This hope I still indulge, and flatter myself that by measures of suitable, just, and seasonable conciliation, that the horrors of a civil conflict may be avoided, that the Army will be recalled to a sense of its duty and confidence, and security restored to the country.

"When it is necessary to stand forward personally, no man, whatever be his situation, shall step before me in ready and willing sacrifices for the service of my country. Of fortune I have little to boast, but my life shall be cheerfully exposed in defending the interests of my respected Employers, and in support of their Government.

"These are my genuine and well considered sentiments; but they shall remain with myself, except to you and Mr. Oakes, who sent me the Paper.

"I have the honour to be, &c. &c. &c.

"Gardens, 30th July 1809. (Signed) W. PETRIE."

"P. S. I trust that no one will impute to me the folly, ignorance, or insanity, of disputing the truth of the general principle on which the Address is grounded."

To which I received the following laconic Answer:

"The Honourable W. Petrie, Esq.

"Sir,

"I have received your Note of this date, and have the honour to return the Address which it inclosed.

"I have the honour to be, Sir, &c. &c. &c.

"Gov^t Gardens, 30th July 1809. (Signed) G. H. BARLOW."

I never knew until I saw the Minute of the honourable the President, that he had been consulted by the Gentlemen who promoted the Address previous to its being presented to him; nor did I then know, I mean when I wrote to the honourable the President, that he attached so very much importance to it, or to the insertion of my signature.

Had propriety been attended to with respect to me, or had the person or persons who prepared, or were connected with the preparation of the Address, intended to pay me the compliment that was due to my rank, I ought most certainly to have been consulted on the subject at an earlier period, and before the Address was presented to me for signature.

A variety of reasons which peculiarly applied to the period when the Address was agitated in the Settlement, induced me to think that it might increase irritation and produce unfavourable effects on the disposition of the Army, which had then manifested unequivocal proofs of returning subordination and obedience. That it might tear open the wounds which were beginning to heal, and by applying terms to the conduct of the officers (however just abstractedly considered) descriptive of a capital offence, might have a most unfavourable effect on a very considerable part which appeared balancing between the calls of duty and a determination to insist on what they termed a Redress of Grievances, I thought that such a public manifestation of the sentiments of a part of the Settlement, so strongly expressed, could do no possible good, but might add to the difficulties which still opposed our recalling a considerable part of the officers to their duty. In such a case as this, I may appeal to the result, and ask any candid and impartial person, if the hand of Government were really strengthened by this Address? Did it unite the Settlement more firmly in support of our measures, or has it contributed to restore harmony, mutual confidence, and good will, which for the last 7 or 8 months have been estranged, from this society? On the contrary, the discussions produced by that Address have, I believe, increased animosity and contention, by giving one subject more for the collision of contrary opinions, which, in the present state of the public mind, disturbs and agitates the general society of the Presidency. I must further observe, that the disposition of the

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community was not favourable to the measure, and the promoters of it ought to have been aware, that they were weakening instead of strengthening the hands of Government, by the means which they used to obtain signatures; I cannot believe that these means were reported to the honourable the President.

The Address, the President states, was signed by the most respectable persons in the Settlement. There were many respectable names to it I allow; but I must at the same time observe, that several of the inhabitants of acknowledged respectability, both in character and station, declined giving their signatures to this Address; and in this number were some whose attachment to the present Government, during all the preceding has never been even suspected. I speak of what has come to my knowledge since the Address was presented, for I have no reason to believe that my intention not to sign it was known until the list of signatures was published to the Settlement.

Notwithstanding, however, the very strong conviction which was impressed on my mind unfavourable to the expediency of the Address at that time, so sincerely anxious was I to avoid any improper construction which might be applied to the circumstances of my withholding my name, that, in order to ascertain the importance which was attached to my signature, I applied to a person whose public situation was similar to my for information on this point, which I did in the following terms:—"Although I think my reasons just, yet, if the Governor in Council, or the general sense, attaches any beneficial importance to the public interests, or that it can effect the peace of the Settlement, mislead any one, or prevent any mischief, it will become my duty to yield my opinion to theirs, and I shall in that case affix my name." The reply to this enquiry did not give me reason to suppose that either the Address itself, or my signature, was essential to any public purpose. It will be apparent, from the terms of the honourable the President's letter to me, that I could not again address him on that subject, however much inclined to have entered into a further explanation of the sentiments by which I was actuated.

The honourable the President has expressed his astonishment and disapprobation at this exercise of my judgment in terms of uncommon severity and reprehension; but I trust it is not by the asperity or harshness of language, by inference and implication, that my fidelity to my Sovereign, attachment to my Country, and gratitude to my immediate Employers, will be rendered liable to suspicion. The imputation of improper motives is not unfrequently resorted to; but it can obtain no credit, when totally unsupported by proof or probability. Although inferior to the honourable the President as a member of this Government, I may be allowed to say that my motives are as pure and honourable as his, and that I do not yield to him in loyalty to my King, or in zeal to promote the interests of the Honourable Company. He calls on me to explain my motives, and I reply to the call with confidence and truth. My motives have been throughout solely directed to the prosperity of my Country, the interests of my Employers, the honour of the Government, and the preservation of my own character.

Sorely wounded as my feelings have been by many parts of the Minute of the honourable the President, yet I flatter myself in the reply I have now the honour to deliver in, that no expression or sentiment has escaped me inconsistent with my public situation, and incompatible with the respect which is due to the President of the Council. Under the weight and peculiarity of the accusation, I trust I may be allowed to say, without infringing those necessary restraints, that no man, however exalted his station or office, can be justified on such grounds as the President assumes, of imputing to me disloyalty to my Sovereign, or a disposition to encourage mutiny and sedition in the Army. My general character, the situations I have filled in the public service, and the estimation in which I have been held by my reverend superiors, should have exempted me from such a cruel and unfounded imputation.

(Signed) W. PETRIE.

(A true copy.)
(Signed) *A. Falconer.*
Chief Secy to Govt.

—No. 4.—

Copies of PROTESTS, entered by the Directors of The East India Company, against Mr. PETRIE's being displaced from a Seat in the Council of *Madras*;—with the REPLY thereto, by other Directors.

Dissent of JOHN ALEXANDER BANNERMAN, Esq.

No. 4.

DISSENT of Mr. Bannerman.

IF it be incumbent on the Members of this Court, who have formed decided opinions on such public measures as become the objects of discussion, to record the grounds on which those opinions have been formed, that duty becomes the more imperative when the judgment of the Court has been so equally divided, as to render it necessary for the Treasurer to determine the Question by drawing a lot. I shall accordingly proceed to state my sentiments on this subject at greater length, and with more care, than I should consider to be necessary in an ordinary case of dissent from the opinion of the majority.

Having ſtated in my place as a Director, "That all the evils which we have to "lament in the disgraceful and guilty ſtate of the Fort St. George Army, may, in "a great degree, be aſcribed to the acts of that Government," it would be a dereliction of the principles involved in an opinion which I have seen no cause to relinquish, if I were to neglect to enter my Proteſt againſt the measure of removing Mr. Petrie from the Council of Fort St. George, for his opposition to a ſyſtem of proceeding which has received my public disapprobation; and I do hereby moſt earneſtly and solemnly proteſt againſt the said measure accordingly.

In recording the grounds of this Proteſt, it is not my intention to occupy the time of the Court with an examination of the facts and reasonings contained in the Minute of Sir George Barlow and of Mr. Petrie, which have been presented, through a very unusual channel, to the consideration of the Court of Directors.

The temperate reply of Mr. Petrie furniſhes so complete a refutation of the accusations of Sir George Barlow, that the beſt friends of the former gentleman may safely leave to this production the care of providing for his vindication and defence. But the grounds of the opinions which I shall have the honour to submit are altogether foreign from personal feelings towards either of the public servants, whose conduct is at issue. To ascertain the public tendency of that conduct, and its consequent claim to approbation or blame, is the only legitimate purpose of public enquiry, and I can conscientiously affirm, that through the whole of this discussion, no other object has been present to my mind.

The reasons which I have to adduce for the proteſting againſt the removal of Mr. Petrie, will necessarily reſt on my conviction of the impropriety of the measures which he opposed, and the *proofs* of this impropriety will moſt conveniently resolve themselves into the form of certain diſtinct *Objections* which I have to offer against the conduct of Sir George Barlow, Governor in Council at Fort St. George; but before proceeding to enumerate these objections, a few preliminary remarks will enable me to introduce them to the notice of the Court in a more diſtinct and intelligible manner.

In all the earlier ſtages in which the conduct of the Government of Fort St. George has come under the consideration of this Court, I have expressed an ap-

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prehension, founded even on the imperfect documents then before us, that better information would exhibit grounds rather of censure than approbation; and I delivered my Proteſt againſt the final measures of puniſhment, which were in the contemplation of this Court, for these express reasons, added to the fundamental injuſtice of any decision founded on a hearing of one side of the queſtion.

I regret to observe, that every subsequent information has confirmed the apprehensions, which I had originally felt myself compelled to entertain, and has led to the conviction, that all the evils which we have to lament in the present disgraceful ſtate of the Army at Fort St. George, may, in a great degree, be ascribed to the acts of that Government.

I have not hesitated to concur in general approbation of the firmness of the Government in determining not to concede to actual rebellion, points on which, in other circumſtances, concession would have been expedient: it will be recollected that I limited this approbation to the single act of declining to concede, and to the measures of decision which were adopted subsequently to the 1ſt May 1809; but even in the execution of these acts of energy, I muſt express my unqualified disapprobation of some of the subsidiary measures, as tending to purchase a doubtful and temporary good at the price of certain and permanent evil.

I should have been disposed to have commenced my *Objections* againſt the Government of Fort St. George, with a formal charge of impropriety in the impolitic and inexpedient change introduced in a syſtem of providing and carrying the camp equipage of the Army, which, after the moſt careful and open discussion, had been adopted by a former Government, approved by the Court of Directors, and confirmed by the actual teſt of its diſtinguiſhed efficiency on field service, if part of the blame of reversing this measure had not been ſhifted from the Government of Madras to that over which Sir George Barlow had previously presided. I will, however, observe, before dismissing this subject, that a measure which the Military Board (the organ provided by the conſtitution of our Government for the consideration of all important queſtions of Military detail) had been invited to discuss and examine, and, after a long inveſtigation, had matured and completed, was reversed without being subjected to the revision of that Board.

I ſhall now proceed to ſtate (as nearly as is practicable in the order of time in which they occurred, and with such explanations as appear to be requisite) my *Objections* to those measures of the Government of Fort St. George, which form the ground and reasons for my proteſting againſt the removal of Mr. Petrie for his opposition to those measures.

Objection 1ſt.

For an unwarrantable interference with the legal authority of the Commander in Chief, by impeding the regular course of military juſtice, as by law eſtabliſhed, in prohibiting the trial of Lieutenant Colonel Munro the Quarter-maſter General, ordered into arreſt, on a regular charge preferred againſt him to the Commander in Chief, by certain Officers "for false and infamous insinuations tending to injure their "characters as officers" in an official Report; and for directing the release of that officer from arreſt by a positive Order, although warned by the Commander in Chief of the illegality of such proceeding, and informed of his intention to charge Lieutenant Colonel Munro with the additional crime of personal disrespect to himself, thereby arrogating to the Governor in Council a power expressly veſted in the Commander in Chief alone, by the Act of the 27th of George the 2d, for the better government of the Eaſt India Company's forces, which Act directly deprives the Governor in Council of any of the Presidencies of all power regarding Courts Martial, whenever any of His Majeſty's troops ſhall be serving under such Presidency.

I am aware I may be told, that the Government of Madras has exonerated Lieutenant Colonel Munro from any imputation of blame, by "adopting his Re-"port as their own;" inſtead of a palliation, this would form the fair ground of a diſtinct and aggravated accusation, for giving the sanction of their authority to aspersions complained of "as false and infamous," for the purpose of sheltering a fa-

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a favoured individual from the regular course of juſtice, at the same time, that by the same abuse of authority, they deprived the complaining individuals of the means of proving the falsehood of the aspersions.

I am not deterred by the ability and eloquence with which the aspersions of character, complained of by the officers commanding corps, has been ſtudiously and moſt ingeniously confounded with the act of Government founded on that aspersion, from pointing out to this Court the miserable sophiſtry of the attempt; if these insinuations were false, still, if they were believed and adopted by the Governor of Fort St. George, and believed and approved by that of Bengal, they had produced the utmoſt possible effect that calumny can inflict, by wounding the character of the complainants in that exact quarter where loss of character was moſt fatal to their honour and their intereſts. The act had been done for which the largeſt possible damages would be awarded by a Court of Law; but it is wretched sophiſtry to contend, that because a public act had been founded on this calumny, it therefore ceased to be calumny, and that the complaint of the original aspersion shall be charged as disrespect to the Authorities who were deceived by the calumny.

The degradation of the character and office of the Commander in Chief, by this contemptuous extinction of his military prerogative, and the direct encouragement given to insubordination, in supporting the immediate Staff of the Commander in Chief againſt his lawful military authority, are fatal wounds to the discipline of the Army; nor can the weak and inefficient plea be permitted to avail, of assuming the predetermination of any Court Martial that could be assembled, to commit an act of deliberate injuſtice contrary to their Oath. A prisoner brought for trial before a Court Martial, has the right to challenge, on sufficient cause, any number of the members of that Court; the dispatches from Madras give abundant reason to confide at leaſt in His Majeſty's officers, and the Act does not prohibit such Court being formed principally, or even exclusively, of the officers of the Crown. The true grounds, therefore, could not have been an apprehension of unjuſt decision, but an alarm leſt inveſtigation should eſtabliſh the fallacy of that reasoning which Government had moſt unnecessarily adopted "as its own."

Objection 2d.

For rejecting the respectful Memorial addressed to this Court by the officers who had preferred the charge againſt Lieutenant Colonel Munro, and declining to transmit it, when forwarded for that purpose by the Commander in Chief, ſtating, "that the transmission of the Memorial was objectionable and improper," and it was accordingly returned, thereby ſhutting the door of appeal to superior authority, and actually suppressing the reference of those officers, and thus perſevering, in every ſtage of this transaction, in interposing power to ſtop not only the regular course of juſtice, but the ultimate appeal againſt oppression.

It is remarkable, that the Memorial of these Officers expressly disclaims, as a ground of complaint, the measure, which even in subsequent publications the Supreme Government, and that of Madras, have assumed as the only ground of discontent, and this singular fact may perhaps explain the reluctance of the Government of Madras to put the Court in possession of a document, which would overturn the profeſſed ground of their reasoning, and the motive of their proceedings; but there is a degree of injuſtice ſtill more inexplicable, in charging on these officers as a crime their having failed to wait the result of an appeal, which, so far from being forwarded, had been contemptuously returned.

Objection 3d.

For suspending from the service Lieutenant Colonel Capper, the Adjutant General, and Major Boles the Deputy Adjutant General, for the ſtrict performance of their military duty in promulgating the Orders of the Commander in Chief; an act crude and unsound in its principles, raſh and unnecessary in its application, and which may be considered as the chief ground of general discontent in the

No. 4. Army; and, by the subsequent measures growing out of this fatal error, to have been one of the leading causes of the late unfortunate rebellion.

DISSENT of Mr. Bannerman.

No military proposition can be more clear, than the paramount duty of prompt and implicit obedience, particularly in Officers, whose main duty it is to watch over the obedience of the Army to the orders of its Chief. The only objection to this proposition (implicit obedience) would be in the case of an Order, broadly, evidently, and positively contrary to some known law of the land, a description obviously inapplicable to the Order in question, and most improperly ascribed to it by the very same authority (Sir G. Barlow) which three days before had permitted, without queſtion or objection, to be publiſhed at Fort St. George and to the Army, a General Order by the same Commander in Chief (which ſtill remains uncancelled) much more offensive to the Conſtituted Authorities by law eſtabliſhed, than that which is made the cause of suspending those two officers from the service.

The principles promulgated to the Army by these orders of suspension are directly subversive of the foundations of military subordination; they encourage officers to canvas the legality of military orders, to question the relative powers of their superiors, instead of looking immediately and exclusively to the neareſt link of the chain, and yielding obedience, in their several gradations, according to the only practicable scheme of military subordination; these principles in short teach soldiers to dispute, instead of to obey; they preach rebellion, and the doctrine has unhappily acquired too many disciples.

Objection 4th.

For promulgating the General Orders of the 1ſt May 1809, which suspended and degraded, *without trial*, Officers, whose characters in the Order were publicly ſtigmatized and rendered dishonourable, on *private* examination and *private* information, withholding from the accused the detail of the accusation, the name of the accuser, or any of those circumſtances which juſtice exacts, for the purpose of enabling the accused to repel imputed guilt.

To any person accuſtomed to consider the principles of the conſtitution under which we live, it is unnecessary to animadvert on a course of proceeding subversive of those fundamental rights, which it is the object of the law to secure to every British subject; a syſtem of measures, so oppressive in itself, is ſtill farther vitiated by the known fact, that many of the allegations on which the suspensions and degradations were professedly founded, are absolutely false; and by the fair and probable inference, that others, if not the whole, are either unfounded or grossly aggravated.

The local effect of this injurious measure is diſtinctly marked upon our records; the portion of the Army which was, in that Order, highly complimented for its allegiance and fidelity, felt the ties of allegiance dissolved by this act of extreme oppression, flew at once into rebellion, and instantly demanded its repeal.

Among the most singular features of the character of this Government, is the long historical order, dated the 12th Auguſt 1809, in which they most *modestly* claim the praise of moderation and forbearance for a system which, even by their own shewing, exhibits a series of acts of despotic oppression, and in which, as well as in many of their previous publications, they recal to the recollection of the Army the principles of that conſtitution which they themselves, by their own acts, had so unwarrantably violated, charging the officers of the Army with "a "syſtematic course of aggression" and of "aggravated indignity;" phrases which most correctly and truly characterize their own proceedings.

Objection 5th.

For having proposed to the Company's officers a teſt, which, pre-supposing disaffection, and seditious combination, was consequently useless, if the supposition was true; a gross injury, as well as insult, if unfounded, and productive of no consequence but the subversion of discipline, by the removal of the officers from their men, and the farther excitement in the Native Troops of agitations founded on the disorganizing doctrines of the 1ſt of May.

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We have not on public record the details which might be required to eſtabliſh this objection in its fulleſt extent, but the facts are too notorious for the pretext of disbelief. The Government Gazette, which the servants of the Company are called upon to receive as official authority, exhibits the result of this extraordinary proposition in the signatures of less than 150 names, out of the whole body of your officers on that eſtabliſhment, amounting to about 1,300. The *absence* of *public documents* is, indeed, one of those facts which I moſt ſtrongly charge againſt the Government of Madras, which calls upon the Court for decision on the garbled ſtatements it has furniſhed, and withholds the series of documents which would have led to opposite results and conclusions.

Objection 6th.

For sanctioning the publication in the newspapers of Madras, which are generally circulated both to English and Foreign Settlements, *official* ſtatements, conveying equally to the enemies as to the friends of the Britiſh Power, exaggerated descriptions of the disaffection, disobedience, sedition and rebellion, of the Army of their Government.

For authorizing the circulation of Letters to the Native Troops, stimulating them to disclaim the authority of their Officers, and by public Orders proclaiming to the Native Troops, and consequently to the Native Powers, a ſtate of weakness which it would be the object of a wise and prudent Government to conceal.

The appeal to the Native Troops will be admitted by the moſt ſtrenuous advocate of Sir George Barlow, to be an experiment perilous in the extreme, by unfolding to that body their own power and importance, and by ſtriking at the very root of all discipline, in teaching these troops to reason on the connections and relations of the authorities which are placed over them; and to look to other combinations and gradations of command, than those that are inculcated in all the elementary Inſtructions of military discipline. If I be told that the measure was justified by the extremity of the case, I answer, firſt, that *no* extremity could juſtify so vague, so dangerous and so loose a proceeding, as the dispersion of these manifeſtoes of insubordination; and secondly, that the necessity did not exist. This ill-informed Government appears to have believed that all the officers, or the greater portion of them, were combined in a plan of direct hoſtility for the actual subversion of the Government; but the fact of the relinquishment of the exercise of military duty by the largeſt portion of the officers, on the alternative offered of temporary retirement, or the signature of the Teſt, proves the belief to be completely unfounded, and that the extreme case did not exist.

Objection 7th.

For a general want of conciliation from the firſt appointment of Sir George Barlow to the date of the laſt advices, in all the circumſtances connected with the subject of these observations; and in the whole character of the Government, with the single exception of the publication of the General Order of the 6th of February, which, a few days earlier, would have calmed the whole agitation, but now only marked extreme incapacity, by selecting for the attempt that precise period of time when an injudicious act of severity and injuſtice had failed to terrify, and had excited feelings which the most moderate knowledge of human nature would ſhew to be peculiarly unfavourable to this single and reluctant effort at conciliation.

The public career of Sir George Barlow has proved him to be a laborious and useful inſtrument, but a deficient organ of Government; he has ſhewn himself to be deſtitute of that knowledge of mankind which is the associate, or rather the parent of discretion, and without which the delegation of power is precarious and unsafe.

For all which grounds of objection to the measures of the Government of Fort St. George, I do hereby solemnly proteſt againſt the removal from Council of Mr. William Petrie, for his opposition to these measures.

East India House, 23d April 1810. (Signed) J. BANNERMAN.

No. 4.

DISSENT of Sir F. Baring and Sir H. Inglis.

Dissent of Sir FRANCIS BARING Bart. and Sir HUGH INGLIS, Bart.

The Hon. the Court of Directors of the Eaſt India Company.

Gentlemen,

ON Friday the 6th an arrangement was proposed for the Government of Madras, omitting the name of Mr. Petrie, but rejected by the Treasurer's caſting vote.

The same arrangement was again proposed on Tuesday the 10th, and carried in the affirmative, a Director having declared in Court, that subsequent to the 6th, he had been induced to alter his opinion, otherwise the numbers would have been equal, and the Treasurer must have been again called in to decide the queſtion by lot.

Under these circumstances, and for reasons we ſhall ſtate hereafter, we proteſt againſt the decision.

The papers are so voluminous, so much partiality and acrimony is manifeſt on one side, whilst Mr. Petrie stands alone, absent, and not suspecting the length to which hoſtility has been carried against him, that we ſhall be excused in the opinion of every liberal mind, if we throw aside the minute microscopic objects which Sir George Barlow and his friends have viewed in the character and conduct of Mr. Petrie; the more so, as those which Sir George has brought forward have been fully refuted by Mr. Petrie; and if they had not been refuted, they do not furniſh ground, even for censure, of a person holding so elevated a situation, ſtill less for removal. There is one point however, and it stands alone, namely, how far the conduct of Mr. Petrie on the subject of the mutiny, which has been branded with the epithets of a disloyal factious opposition, can be impeached or defended? And again, how far the services and conduct of Mr. Petrie merit the punishment that has been inflicted on him?

Before we enter into such a discussion, it may be proper to state, what we conceive to be facts, relative to the merit and services of Mr. Petrie, and the opinion entertained by the Court of Directors on various occasions:

Mr. Petrie proceeded to India as a writer in 1765. He succeeded to a seat in Council in 1787. He was appointed by the Court as a Member of Council, and to succeed as provisional Governor, 1790, but returned to Europe for his health in 1792. He was again appointed by the Court in 1793, and to succeed as provisional Governor in 1798. This appointment was repeated in 1799, and was again repeated in 1802; when the Court requeſted of him to accept ten thousand Pagodas, in consequence of the high sense they entertain of his long and faithful services, always with the condition annexed of succeeding to the Government, *pro tempore*, and which took place on Lord William Bentinck leaving Madras in 1807; but which he relinquished on the arrival of Sir George Barlow in December 1807.

Finally, he was appointed to a seat in Council, and to succeed Sir George, in 1807. Such numerous unequivocal proofs of merit, during a period of 20 years, from 1787 to 1807 inclusive, are unprecedented in the annals of the Company; and it is therefore an additional duty imposed on us to enquire into the cause for their having been so ill requited.

There can be no comparison between Sir George Barlow and Mr. Petrie for length of service, nor for acknowledged merit. The only instance of dissatisfaction that had been manifested towards Mr. Petrie, was, for not recording his dissent to the measure for enforcing the Turban. Mr. Petrie defended himself against this censure, and the Court admit, in their answer of the 2d Auguſt 1809, that Mr. Petrie had ſtated a reason which has great weight, for not having recorded a written Dissent against the measure relative to the Turban. In the present case, the dissatisfaction attaches solely to his opinion, for in regard to his conduct we ſhall notice it hereafter; whereas the Court have diſtinctly marked their displeasure towards Sir George, for his *conduct* in the uniform decided support

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of measures which they have so ſtrongly reprobated. These observations naturally lead us to ſtate the grounds on which we proteſt; namely, that every principle that ought to ſhield an individual from persecution, has been violated:

1ſt. The Conſtitution of the Company, as eſtabliſhed and confirmed by its Charters.

2d. The Orders of the Court, manifeſted by their uniform, invariable opinions and inſtructions on numerous occasions.

3d. The supercession of an old meritorious servant, for the purpose of gratifying a junior servant, whose previous conduct had been censured by the Court.

4th. And further, for removing a man who has held the high situation of Governor without hearing his defence, and founded upon evidence, furniſhed in a clandeſtine manner by his avowed adversary.

Before the Charter of 1784, no supreme controlling power exiſted in India; the want of it was severely felt under the adminiſtration of Mr. Haſtings, who was compelled to have an avowed Agent at home to represent and act for him, according to circumſtances; an inconvenience, as well as an injury, experienced both abroad and at home. It often happened, that recourse was had to Major Scott for information and for papers, which had not been received by the Company. Such a situation naturally excited dissatisfaction and clamour, more particularly in the House of Commons, when it was frequently a topic for declamation againſt the Government of Mr. Haſtings; from this difficulty the Company were relieved, under the protection of Mr. Pitt and Lord Melville, by the Charter of 1784, which eſtabliſhed a supreme controlling power in India: but it never was in their contemplation, nor in that of any other person, that the power ſhould be exercised by the Governor in a despotic arbitrary manner, nor that the Council ſhould thereby be reduced to cyphers; but that every subject ſhould be discussed as usual, each member to enter his opinion on the Minutes, and the power veſted in the Governor to be exercised solely when the votes were equal. This part of the Charter was again confirmed in 1793. That Mr. Petrie was perfectly regular in making his sentiments known on this, or any other subject; nor could any detriment arise if he erred in judgment, so long as three remaining Members were able to outvote him, exclusive of the additional security arising from the controlling power veſted in the Governor.

The Orders of the Court requiring the Council to record their opinions, and reprobating their silence in the ſtrongeſt and most decisive terms, are numerous; but in no inſtance more pointed than when applied to the conduct of Sir George Barlow, at the time he was in a similar situation in Bengal.

Under the circumſtances we have described, with such numerous teſtimonies in favour of Mr. Petrie, and diſtinct disapprobation of the conduct of Sir G. Barlow, the Court thought proper in their wisdom and juſtice to appoint Sir George to the Government of Madras, thereby superseding Mr. Petrie.

On such an appointment we requeſt the Court to pause, and let each man ask himself, in what manner Sir George ought to have conducted himself on his arrival at Madras? Whether it would not have been wise to have left behind him in Bengal a cold arbitrary disposition, and to have adopted the principles of a Statesman and a good Governor, by ſhewing some attention to those feelings which his own promotion muſt have excited, and by uniting the *suaviter in modo*, with the *fortiter in re*?

Sir George was a ſtranger, ignorant of the habits, manners and opinions, of those whom he was appointed to govern; and at a moment when a syſtem of reform and retrenchment was going on, which affected the intereſt of almoſt every individual in the service. If it is at all times one of the firſt duties to cultivate and to preserve harmony and cordiality, it was, in our opinion, the bounden duty of Sir George to have done so on such an occasion. The system of reform was proceeding in a regular manner, even the Army, although reluctant when they relinquiſh pecuniary advantages to which they had been accuſtomed, manifeſted no diſposition indicating those fatal measures which afterwards appeared, and which never would have happened if the Government had remained in the hands of Mr. Petrie.

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This circumſtance forms, in our opinion, ſo prominent a feature in the early ſtages of the mutiny, and as a criterion to judge of the comparative merits of Sir George Barlow and Mr. Petrie, that we ſought with ſtudious attention to discover inſtances of temper and conciliation on the part of the former; but we have ſought in vain. When Mr. Petrie delivered over the Government to Sir George, it cannot be denied that he left him an Army not ſurpaſſed in diſcipline, obedience and ſubmiſſion, or in attachment to their country, by any troops in the Britiſh ſervice, commanded by an officer whoſe cordial ſupport might have been ſecured by attention, civility, and politeness.

The ſervices, civil as well as military, furniſh too many inſtances of a contrary diſpoſition. It is true that he was aware of the propriety of making the attempt, and he explains very diſtinctly the ability and judgment which he manifeſted, and the ſucceſs which followed thoſe attempts. In his publication to the Army after the unhappy expedient of the 26th July, he broadly ſtates, that every meaſure he has adopted from his firſt order reſpecting General Macdowall to the laſt above-mentioned, had not only failed in producing the effect intended, but had directly and immediately been the cauſe of the increaſed diſcontent of the Army, their intemperate remonſtrances, and ſubſequent acts of violence. All this is true, and we muſt again requeſt the Court to pauſe, for Sir George plainly inſinuates that *his orders* were directly and immediately the cauſe of the increaſed diſcontents of the Army, their intemperate remonſtrances, and ſubſequent acts of violence.

Wherein conſiſts the culpable or criminal conduct of Mr. Petrie?

It is, that he repreſented to Sir George (but with great propriety in the manner of doing it) the injurious or fatal conſequences that might ariſe from the meaſures he was purſuing; he united local experience, a knowledge of men, with temper, foreſight and judgment. In his ſituation as ſecond member in Council, and proviſional ſucceſſor to the Government he thought it his duty to offer his opinion on a ſubject that ſhook our empire in India to its center; he complied with the Act of Parliament, he obeyed the orders of the Court of Directors, and in a quiet inoffenſive manner, he explained to Sir George Barlow thoſe proſpects which his prophetic ſpirit foreſaw, and which ſubſequent events fully juſtified.

But alas! this conſtitutes his crime. If it ſhall be found, and we firmly believe it to be true, that had the advice of Mr. Petrie previous to the mutiny been followed, it would not have happened, the merit and laurels which Sir George has acquired, by ſuppreſſing a mutiny which he had ſo much contributed to excite, would vaniſh of courſe. We have heard of Princes who have ſought for war, to enable them to diſplay their military talents; but it is no juſtification for Sir George Barlow, that he has manifeſted reſolution and firmneſs in ſuppreſſing a rebellion, if he neglected the means to prevent it before its exploſion. Without derogating from the merit which Sir George Barlow's friends may impute to him for his firmneſs, and diſclaiming, as we ſincerely do, any imputation on his integrity, or that he has acted otherwiſe than to the beſt of his judgment, we are diſtinctly of opinion, that the ſword of revolt was ſheathed when the Governor General announced ſentiments of moderation, juſtice, and lenity; and not leſs than 30,000 men, who were then in oppoſition to Government, ſurrendered at diſcretion, and threw themſelves on the juſtice, liberality and mercy, of Lord Minto; nor can we believe that a cold arbitrary word of command, although pronounced by the firſt member of the Madras Government, would have produced the ſame effect. We very much fear, that the depriving General Macdowall of a Seat in Council may have contributed, in some degree, to the important events which followed; and we lament that his diſappointment was not alleviated by the conciliatory diſpoſition of the Governor. We have not heard of any public appearance of diſſatisfaction between the Governor on his firſt arrival and the General, but the day following, their appearance together in public in perfect harmony; and two months before the arreſt of Colonel Munro, the aſſociates and friends of the General met together, for the purpoſe of preſenting him with a ſervice of plate, as an acknowledgment of his private and ſocial qualities; not a ſyllable being mentioned about his public conduct. This has been treated by Sir George as a proof of that early confederacy or conſpiracy to which he imputes a ſyſtematic factious oppoſition to his meaſures. Unfortunately for Sir George, the liſt of names affords too easy a refutation; for it has been juſtly obſerved, that it contains the names of those who rebelled, of those

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who quelled the rebellion, and of those who had no concern in the profession of arms. If the plate had been voted after the highly culpable conduct of General Macdowall towards the end of January, it would then have worn a serious and different complexion. We cannot follow Sir George through the numerous circumſtances and ſteps which terminated finally in rebellion, further than to remark, that we can discover no trace of a conciliatory temper, no proof of foreſight, judgment or management; the exercise of cold arbitrary coercion appears on every occasion. The Civil Servants, generally, are implicated with the subscribers to the plate; all are charged with diſaffection and inſubordination, either by Sir George or by his repreſentative here; and it is ſufficient to entertain an opinion different from himſelf, to be ſtigmatized as a factious opponent. In every look and every geſture he perceives treaſon and rebellion, excepting only the very few favourites who ſurround his perſon. Mr. Roebuck was the firſt victim, at the age of 60, and after 35 years ſervice. General Macdowal, at the head of the Army, puſhed from one ſtep to another, fell at laſt into error which is unpardonable, if the loss of life, &c. may not be deemed an expiation. Mr. Petrie, the Chief of your civil ſervice, and who preceded Sir George as Governor, muſt be removed; men, meaſures, and the ſound principles of Government, muſt all be sacrificed.

It is a melancholy queſtion, but we muſt aſk, who was ſatisfied under ſuch a Government? is it now ſafe?—The Civil Servants are and muſt be disgusted. In the military ſervice, the bond of union and confidence between the Officers and the Sepoys has been too roughly treated for ſuch delicate machinery. We are afraid much jealouſy ſubſiſts between the Company's officers and thoſe of the King, who aſſiſted to quell the rebellion; whilſt it ſhould be remembered, that out of 1,300 officers and gentlemen, leſs than 200 ſigned the Teſt. Surely ſuch circumſtances require temper and talents adapted to an extraordinary dangerous ſituation. We can readily conceive that Lord Minto, ſurrounded by a mutinous Army, who had juſt ſubmitted, acted wiſely in holding up and applauding Sir George Barlow for his firmneſs, and even his conduct; the ſlighteſt deviation might have made a dangerous impreſſion on the Army at that moment, and Lord Minto's opinion, as well as conduct, muſt be conſidered as purely political, and as what, in his opinion, would produce the beſt poſſible effect on the mind of the Army. But this doth not in reality impeach or prejudice the judgment of Mr. Petrie, whoſe doctrine even then amounts to no more than a deſire to look far forward, and to adopt the earlieſt and beſt means for the purpoſe of reſtoring harmony to the ſervice, and promoting amongſt the officers a liberal, manly, and grateful attachment to the colours under which they ſerve. Lord Minto writes at a moſt critical moment, when every one muſt have been impreſſed with the anxious wiſh to extinguiſh, totally and inſtantly, any recurrence to what had paſſed, and therefore makes an obſervation on the opinion and conduct of Mr. Petrie, but expreſſly diſavowing any intention to reflect on the ſame. We repeat, that we readily conceive what may, and indeed ought to influence the mind of Lord Minto on ſuch an occaſion; but we have too good an opinion of his underſtanding and knowledge of the world, to believe that he really expected to change the opinions entertained by above 1,100 officers, formed under perſonal privations and ſufferings, and by the mere words of a General Order.

After all, what has been the opinions and conduct of Mr. Petrie? If they had been violent, tending to irritate and inflame the Army, if he had promoted public meetings or aſſociations, although Government may have acted in direct oppoſition to his opinion, he would have been highly culpable. His conduct has been diſtinctly, decidedly the reverſe; with complete local knowledge and experience, particularly of the characters of thoſe with whom the Government had to contend, he urged for moderate, temperate meaſures, for the purpoſe of averting and diſperſing that ſtorm which his penetration and foreſight clearly foreſaw muſt ariſe out of the arbitrary conduct and unwiſe proceedings of Sir George Barlow.

We muſt confeſs, that we think ſuch an adviſer on ſuch an occaſion, is preciſely the perſon and line of conduct in the contemplation of Parliament, when a Governor and Council was eſtabliſhed. When firm reſiſtance, and implicit obedience is the order of the day amidſt reductions and reform, perſonally affecting the Military; with three voices in Council always concurring, and the

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Governor's controlling power always in reserve; in what conſiſts the criminality of one member ſuggeſting temperate, moderate proceedings, as the beſt means for averting the ſtorm? the more ſo, as we are decidedly of opinion, and in which many able well-informed men concur with us, that if the ſuggeſtions of Mr. Petrie had been liſtened to in the early ſtages of the business, that the mutiny never would have happened.

If our opinion with regard to the intention of the Legislature ſhall be disputed, we desire to know of what use are the Council? for if Mr. Petrie is removed, who will then dare to oppose Sir George Barlow, or any other favourite Governor on any occasion. The Court, in their vehemence to exalt Sir George Barlow, and to think whatever he pleases they should think, lose sight of the dangerous power which they thereby eſtabliſh, and which will henceforward reſt on the firmeſt basis; they forget the opinion of a great Roman hiſtorian, and which is likewise the true spirit of the British constitution, namely, "That power without controul "ought never to be truſted." But againſt such power we proteſt, and we do moſt solemnly proteſt.

On the 3d of April 1805, you accuse Sir George Barlow (the second subject of the Indian Empire) of having aſſiſted in turning the Government into "a "simple despotism," and his crime was, a blind unqualified support of the measures of the Governor General. The late Chairman, whose sentiments the Court adopted at that time, has now changed his opinion, and in support of despotism he considers the mild, temperate, judicious remonſtrances of Mr. Petrie, as factious opposition, if not worse. For the conduct which he censures in the Governor General and Barlow in Bengal, he approves and supports at Madras, for the purpose of removing Mr. Petrie, thereby eſtabliſhing in effect the principle of "simple despotism."

So late as the 30th of June 1809, you convey your sentiments of Sir George Barlow's conduct, in interfering with the Nabob of Oude, in the following ſtrong unequivocal terms:

"It is with sincere concern we feel ourselves compelled to say, that your "conduct in the matter of Mr. Prendergaſt's complaint againſt Almas has been "*a breach of our Orders*, is contrary to the syſtem of policy pursued by the "former Bengal Government, is unwarranted by the reasons you have assigned "for a *departure* from that policy; has a ſtrong tendency to *irritate* and "*influence* the minds of the Natives againſt the *European character* and againſt "*our Government*; is liable, in our opinion, to the charge of *partiality* and "*injuſtice*, and has our *strongeſt disapprobation* and *severeſt censure*."

With such a character, drawn by the pen of Sir George Barlow's moſt zealous advocate on the present occasion, we cannot conceal the disguſt we feel for such gross glaring partiality and injuſtice.

The means employed to influence the opinion of the Court are not less extraordinary than the reſt of the proceedings. The only official documents before us are the dispatches from Lord Minto, which are ample on every point with the public proceedings, the Orders of Government, &c. Unfortunately for the enemies of Mr. Petrie, no trace can be found amongſt those voluminous documents, which can be conſtrued into a charge againſt him; for Lord Minto expressly says, "it is not my "intention on the conduct of Mr. Petrie." To meet this difficulty, an anonymous pamphlet was publiſhed a very few days before the decision, (and written, as we are informed, by a confidential advocate for Sir George Barlow) wherein the Civil servants are generally charged with a spirit of disaffection and insubordination, similar to that which is said to have characterised the proceedings of the Madras Army, and labour to ſhow that Sir George Barlow had to encounter, in *both* branches of the service, the same tendency to wilful and disloyal opposition.

This pamphlet was immediately answered, wherein it is asserted "These "Charges, however they may be believed by him who makes them, *have no* "*foundation in truth*;" and the total silence of the very voluminous papers we have received amounts to the ſtrongeſt presumptive proof in support of that assertion, which we also firmly believe. Mr. Petrie likewise asserts on the spot, in answer to Sir George Barlow, many months after the dispute had commenced and during the residence of Lord Minto, that Sir George's *facts* were *assumed*

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not proved, and that it is very remarkable, that whilſt every drop of ink that flows from Sir George's pen is tinged with jealousy and suspicion that he cannot name a single person, either civil or military, with whom Mr. Petrie was connected in hatching those deep, dangerous, factious designs, which were visible only to himself; nor is Mr. Petrie's name mentioned in any one of the intercepted letters, which it undoubtedly would have been had he been considered as friendly to the cause of the officers.

Much has been said about the Address, and Sir George is very pointed in the attack on Mr. Petrie for not signing it; this attack has been repelled in a moſt satisfactory manner; but we conceive that the whole of the subject merits the moſt serious attention, and in our opinion, manifeſts diſtinctly the intention and disposition of Sir George Barlow. The Address was sent to Mr. Petrie simply for his signature; *he wrote immediately* to the Governor in a liberal confidential manner, ſtating his doubts about the propriety and probable success of the measure; but without a syllable that could be conſtrued into a refusal. The answer from Sir George is moſt extraordinary; it is flippant, and far from the dignified language of the head of a great Country to the second person, and his immediate successor in the Government, on a subject, and at a moment when every true friend to the Britiſh Empire in India muſt have trembled for its safety. It produced, however, the effect which was probably intended, for it put an end to any further communication between them.

Mr. Petrie observes, that as a consultation was held with the Governor by those who brought forward the Address, he ought to have aſſiſted, or have been informed, as the second Member of Government; the more so, as his chief objection was a doubt whether the respectable part of the service would concur; for he was ignorant of this when the Address was presented to him. There are names of that description to the Address, but there are many very respectable persons who refused to sign; and after all the clamour Sir George endeavours to raise on the subject, Mr. Petrie, immediately *after* receiving the Letter, offered to sign, if his signature was considered to be useful or of service; but of which no notice is taken. What can be said for a Governor, who, in a moment the moſt critical and dangerous the Company ever experienced in India, inſtead of performing what was his paramount duty, to endeavour to unite with him all the talents and influence to preserve the Empire from deſtruction, endeavours to irritate and to drive the person next in consequence, and with more personal influence than himself, into open and hoſtile opposition?

It is long since the intelligence was received of the mutiny being suppressed, and that the Court have been kept in expectation of some arrangement for a new Commission being proposed to fill up the Government of Madras. The Chairs were aware, however, that not a syllable could be traced on the records to juſtify their favourite object by the removal of Mr. Petrie; but after waiting above three months they laid before the Court the Minutes of Sir George and Mr. Petrie, accompanied by a letter from Mr. Dundas, who transmitted the same. The Court enquired if those Minutes appeared on the Company's Records, but they are not to be found, nor amongſt the communications to the Secret Committee; the Company's Charter expressly limiting the communication between India and Europe to those channels, with a view to prohibit any such being made to His Majeſty's Miniſters, or to the Board of Controul.—Mr. Grant, who perfectly underſtands the Company's rights and privileges, did not hesitate to receive and to communicate those papers, to serve as a pretence for the removal of Mr. Petrie; and when the objection was made of the dangerous precedent he eſtabliſhed, of acting upon papers communicated directly from India to the President of the Board of Controul, a circumſtance which never happened during the long and able adminiſtration of Lord Melville, he answered, that the papers were not received from India by Mr. Dundas, but communicated to him by a person on whom he could rely; and which, in our opinion, rendered that which was bad before infinitely worse.

We thus perceive the Chairman of the Company, the President of the Board of Controul, and the private inſtruments of Sir George Barlow, all active, by public and private means, to remove an absent, innocent, meritorious individual, who cannot plead his own cause. It is equally extraordinary that this measure should be founded on the Minute of Sir George, when it has been so fully and

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completely refuted by Mr. Petrie; for if due consideration is given to dates, it will amount to ſtrong presumptive proof that the reply was satisfactory, for it certainly was not answered.

Sir G. Barlow's Minute is dated the 21ſt Auguſt; it was not seen by Mr. Petrie till the 29th ditto:
Mr. Petrie's Answer is dated the 8th September:
Sir G. Barlow, and every Member of his Council, signed a letter to the Court, dated 10th September:
And Lord Minto's letter is dated 12th October.

The interval between the firſt and the laſt is very considerable, and yet his Lordſhip diſtinctly ſtates, after he had had sufficient time to enquire, to examine and to reflect, "It is not my intention to reflect on the conduct of Mr. Petrie;" and he passes over, in a dignified silence, those irrelevant charges which Sir George brings forward to impeach the conduct of Mr. Petrie; but which have been so ably answered and refuted by him.

His Majeſty's ſhips, several country ſhips, and a fleet of the Company's own ſhips, have been dispatched, and are arrived since the date of those Minutes; and neither the Minutes, nor any trace of them, appear on the Company's Records; nor is any notice taken of there having been a difference of opinion amongſt the Members of the Board. Mr. Dundas acknowledges that it was in the contemplation of the Chairs to remove Mr. Petrie so early as January laſt; no reason has been given for the delay, but it may be imputed to the expectation that Lord Minto's promised communication would have furniſhed materials for the purpose; inſtead of which, after an interval of 52 days, with every means of enquiry on the spot, his Lordſhip ſtates diſtinctly, that "It is not my intention "to reflect on the conduct of Mr. Petrie." Under such circumstances, every candid mind will admit that those Minutes, so authenticated, and transmitted to a private agent, were not meant for any laudable purpose. It is even fair for us to suppose, that Sir George Barlow conceived he had intereſt at home to effect the removal of Mr. Petrie; but if he ſhould be miſtaken, then these Minutes, so authenticated, were to be produced, and at a time when Mr. Petrie could not know of the attack that was to be made againſt his character and fortune: it would have been too barefaced to have withheld Mr. Petrie's reply, and happily for him, no man can read his able defence againſt the acrimonious attack of Sir George Barlow, without being convinced of the futility and weakness of the charges. We ſhall therefore conclude, and as two of your senior Directors, we again assert, that we never knew an inſtance wherein so much partiality and injuſtice has been manifeſted as on the present occasion.

We are, Gentlemen,
Your moſt obedient humble Servants,
(Signed) FRAN. BARING.
HUGH INGLIS.

East India House,
24th April 1810.

DISSENT of Hon. W. F. Elphinſtone.

Dissent of the Honourable WILLIAM FULLARTON ELPHINSTONE.

Honourable Sirs,

IT has been my misfortune to entertain opinions very different from the majority of the Court of Directors on most of the questions brought under their consideration, respecting the unhappy events that have taken place at the Settlement of Madras: but on none have I so decidedly differed from them, as upon the Resolution of the 10th April, dismissing Mr. Petrie from a seat in Council. It is much to be lamented, that the Minutes and Consultations of the Government of Madras have been withheld from the knowledge of the Court; a circumstance that has seldom or ever occurred before, and is deserving of the severest censure: it is true, there has been several dispatches from Madras, but they contain only the Governor's Letters to the Court, or to the Chairman, although we have reason to believe much information has been privately communicated through Sir George Barlow's agent. I presume Sir George thought, and wisely thought, *that* was a safer method for him to pursue, than to trust the Court with the Minutes and Consultations of Council, which is the only true and constitutional information that ought to come to the Government at home, and on which

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which they ought to form their decisions: all other being only *exparte* evidence, which never should be implicitly believed or acted on. What confirms this belief was, the production of two Minutes by the Chairman, on which he grounded his Motion for the dismissal of Mr. Petrie, and by several other circumstances mentioned by him in the course of the discussion.

There could be no doubt of the authenticity of these Minutes, as they were countersigned by the Secretary of the Madras Government, the only cause for speculation was, why they should have been sent home *privately*, and not to the Court of Directors; a measure contrary to the repeated and most positive orders of the Company. If done by the Secretary without orders, he is unworthy of his situation, and ought to be removed from it. If by orders of the Madras Government, the Court will judge what notice they ought to take of it. The first Minute was a very violent and intemperate attack on Mr. Petrie by Sir George Barlow, in which he deals about abusive language without measure, and attacks respectable characters without either proof or probability to support his assertions. The other was Mr. Petrie's Answer, which, in moderate and dignified language, answers and refutes Sir George's allegations; yet, wonderful to say, these Minutes were the ground work on which the Chairman rested his Motion: and what was still more surprizing, *that* Motion was carried by a small majority on the 10th, although it had been negatived a few days before. The reasons assigned for the dismissal of Mr. Petrie, were, that Sir George and him could not serve in the same Council, after having differed so materially on the measures most proper to have been pursued during the late alarming and unfortunate occurrences at Madras. That they might have differed in their opinions, yet no blame attach to either, I think cannot be doubted. Sir George has pursued his own plan, and has succeeded; but it does not follow that Mr. Petrie's might not have been the better and safer, had it been followed. Reducing the officers to obedience and submission was not the only object to be attended to—a wise Government would have looked much further, for I am afraid, in reducing the officers to put on the semblance of submission, he has ruined and disorganized as fine an Army as ever existed, besides risking many other misfortunes, which may yet overtake us when we are least prepared to resist them: these misfortunes might have been avoided had Mr. Petrie's plan been followed, and the submission of the officers equally ensured. He wished to effect by reason and conciliation, what Sir George has effected by coercion; but in doing so, he has shewn the Native Troops *our* weakness, and their *own* strength—he has alienated their affection and attachment from their European Officers; and has awakened a spirit of ambition and resistance amongst the Native Officers, by employing them to gain over the Sepoys, and placing the European Officers in a disgraced and degraded situation before them; he has drawn aside the veil, and disclosed to every Indian power our weakness. The European Officers were the link which attached the Native Army to the British Government: he has shewn them how easily it may be broken, and the sure means of doing it. At the same time I will not impute blame to Sir George Barlow for acting to the best of his judgment and ability in the manner he did; but I confess, had I been placed in the situation of these gentlemen, I should have preferred Mr. Petrie's as the wisest and the safest plan; it shewed he understood well the situation and connection of our Government with India, and that he was not to be misled by momentary gusts of passion or prejudice from the real interests of his country. I have no hesitation in declaring my opinion, that the Court, by their vote, removed from Council the only man in it who had any real talents or knowledge of government. I must likewise contend, that differing in opinion on a great subject where the wisest might have differed, is no cause why these gentlemen should not act together; unless you suspect an obstinacy or vindictiveness to exist in either of their breasts, which, I am sure, Mr. Petrie's conduct through life has shewn no trace of. By dismissing Mr. Petrie, you change the whole system of Indian Government from a Governor and Council to a Governor *only*; for no gentleman in Council will differ in opinion from the Governor, and record his difference of opinion, if the loss of his situation is to be the consequence: this was so fully and strongly stated by one of the most able and respectable members of the Court, that the Chairmen immediately changed their ground, declaring it was not for differing in opinion, and dissenting from Sir George Barlow, but for not signing an Address to Sir George. A careful examination into this Address, its rise and progress, will shew what a miserable

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pretence this was for the dismissal of an old, faithful and honourable servant; and will likewise prove, that the same prejudices and partialities that made Sir George Barlow Governor of Madras (which neither his talents or services gave him a title to) still continue in full force. The Address was prepared under Sir George Barlow's own inspection, as appears by his Minute; and the principal and indeed only object of it was to draw forth approbation of his measures, which from their violence were generally, indeed I may say, universally disapproved of, with the exception of a very few immediately about himself. It was carried about for signature from house to house by Colonel Leith, a man almost as much detested by the whole Settlement as Sir George was: he flattered and threatened as he judged most likely to prevail—to some he held forth promises of the Governor's favour; others he threatened with his highest displeasure. Yet after all these unbecoming endeavours, he could only obtain about fifty-five names to the Address, the greatest part of whom were officers, King's and Company's, who held staff and other appointments, and the civilians holding offices immediately under the Governor; but very few indeed of the respectable inhabitants would countenance it.

The Address was sent Mr. Petrie, who being ignorant of Sir George Barlow's having any knowledge of it, immediately sent it to him, with a very civil letter, advising him to suppress it, as from time and circumstances it would have no good effect, but might have bad;—that as the officers had shewn unequivocal signs of their return to a sense of their duty, and a desire to submit their claims to the Governor General, who might be soon expected, it was better to leave them to reflect on their misconduct, than to agitate them with any new questions;—that the opinions of the inhabitants could have no effect on the officers, but only afford them a new subject for them to discuss at the Presidency, which would be communicated to the officers. The Governor returned a very laconic answer with the Address; upon which Mr. Petrie wrote to the gentlemen who first sent him the Address: That although he did not think it could do any good, if they thought it would, he would sign it; but as it had now totally failed, he got no answer; and the Address was no more thought of by Mr. Petrie, until the Governor's Minute brought it again to light as a serious charge against him. It may be fairly asked, why was this Address, if esteemed of such consequence, concealed from Mr. Petrie until it was carrying about for signatures? If any good consequence could have been expected from an Address from the inhabitants, a meeting of them ought to have been called, and the Address voted publicly, which might have given it weight; but the smuggled secret manner in which it was attempted could only produce contempt and disgrace. Mr. Petrie is likewise charged as a high crime with not having supported Sir George in the measures he pursued against the civil servants and merchants, in the case of the Nabob's bonds. That those measures were arbitrary, oppressive, and contrary to the interests of the Company, there can be no doubt; therefore Mr. Petrie did but his duty in opposing them. After having given those Minutes, and every document and argument brought forward in support of the Motion, the most attentive and careful consideration I am capable of, I do protest against the dismissing Mr. Petrie from a Seat in Council, for the following Reasons:

First—Because the Court will virtually alter the system of Indian Government, as established by law, from a Governor and Council, to a Governor only; because it is impossible to expect that any gentleman in Council will, from this time forward, venture to record a difference of opinion from the Governors, when a dismissal from his situation will be the consequence.

Secondly—Because the Court dismissed and disgraced an old and faithful servant of the Company's, upon charges brought against him by the Governor, whilst the means of his justification were denied him, by the Minutes and Consultations of the Government being intentionally withheld from the knowledge of the Court.

Thirdly—Because, from a careful consideration of all the papers and documents that have been sent home by Sir George Barlow, or by his direction, which have been laid before the Court, I must impute to the violent and arbitrary measures of the Government all the dissatisfaction and unfortunate events that have taken place at Madras.

Fourthly—

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Fourthly—Because I am convinced, that if the wiſe and conciliatory meaſures which Mr. Petrie propoſed had been adopted, there would have been no mutiny of the officers; and that even after the Government Order of the firſt of May, when they began to hold their ſeditious meetings and conſultations, had his advice been attended to, the officers would not have proceeded to the unjuſtifiable lengths they did.

Fifthly—Because Mr. Petrie appears to me to be the only member of the late Council at Madras who had any knowledge of or talent for Government; and it is very much to be apprehended, that whilſt the preſent Government exiſts, the intereſts of the Company will be exposed to great riſks, and that peace and ſecurity will not be reſtored to that diſtracted Settlement.

I have the honour to be,
Honourable Sirs,
Your moſt obedient humble Servant,
(Signed) W. F. ELPHINSTONE.

Upper Harley Street,
April 24th 1801.

The Honourable the Court of Directors.

DISSENT of Mr. Hudleſton.

Diſſent of JOHN HUDLESTON, Esq.

To the Honourable the Court of Directors of the Eaſt India Company.

Gentlemen,

I DISSENT from the Reſolution of the Court of the 10th inſtant, for the arrangement of the Madras Commiſſion of Government, by which Mr. Petrie was removed from his ſtation of Member of that Government:

Because, on hearing the rumours which were some time ſince generally afloat that ſuch a meaſure was in contemplation, I anxiously looked for the arrival of the Conſultations or recorded Minutes of the Proceedings of the Madras Government, that I might know of what Mr. Petrie was accuſed, by what conduct he had merited degration, what grounds could be advanced to afford a colour for ſo harſh a procedure, or that could juſtify the treating him with ſuch indignity; determining however, that if on the arrival of the Conſultations, it ſhould appear that Mr. Petrie had in any way obſtructed any of the meaſures purſued by the Madras Government in the ſuppreſſion of the late unhappy revolt, or had abetted the Officers in any of their unfounded pretenſions, and eſpecially in their attempt to intimidate the Government by dictating conditions or conceſſions, as the price of their continued obedience, I would in either of thoſe caſes think Mr. Petrie unworthy of continuing a Member of the Council, and moſt readily concur in his removal.

Because, under this impreſſion I lamented, as well as diſapproved, the withholding the Conſultations by the Madras Government, notwithſtanding that ſeveral opportunities had offered for tranſmitting them; aware that in the mean time private repreſentations might be made to high Authorities in this country in the abſence of thoſe records, from which alone a juſt and impartial judgment could be formed.

Because at length, to my infinite ſurprize, by an inverſion of the legally eſtabliſhed and conſtitutional order of things, the Court of Directors received from the Right honourable the Preſident of the Board of Commiſſioners for the Affairs of India, through the hands of the late Chairman, two moſt important documents, forming part of the Conſultations or Records of the Company's Government of Madras, duly authenticated by the acting Secretary to that Government, conſiſting of two Minutes, the one by Sir George Barlow, containing various ſevere and acrimonious animadverſions on the conduct of Mr. Petrie; and the other by Mr. Petrie, containing his Anſwer, and Defence.

Because I find on peruſing the ſaid document, that Mr. Petrie is not charged, even by Sir George Barlow himſelf, with any act or conduct of the nature above deſcribed, but that his offence has, according to Sir George Barlow's own ſtatement, principally conſiſted in his objecting, and in obedience to the expreſs orders of the Court of Directors, recording his objections to ſome of thoſe violent meaſures of the Madras Government, of which I diſapprove

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equally with Mr. Petrie; and in his recommending moderate and healing measures, before matters had gone too far for any remedy but violence and coercion; also in his objecting to, or, to use Sir George Barlow's own words, "withholding the support of his opinion" from what he (Sir George Barlow) terms "the conſtitutional interposition," but what I cannot but consider to have been an improper and unprecedented interference in the proceedings of His Majeſty's Court of Oyer and Terminer.

Because the specific acts to which Mr. Petrie appears to have recorded his dissent, were the removal of Mr. Roebuck from his offices at the Presidency, (which he had filled with credit during a long course of years) and the sending him to Vizagapatam, a diſtance of 500 miles (where he soon sunk under his misfortunes) without any inveſtigation, or the communication of any charge or accusation againſt him; and the suspension from the service of Major Boles, also without a trial or a hearing, and for an act, for which, as I think is ſhewn in another lately recorded Dissent, he (Major Boles) was not responsible.

Because, admitting even that Mr. Petrie was wrong or injudicious in disapproving of those acts, or of the Government's interfering and making itself a party in the proceedings of the Criminal Court, ſtill, if his disapprobation was sincere and uninfluenced by corrupt or factious motives in recording it, he did only his duty, as pointed out to him by the Court; but so far from being wrong in his disapprobation of these acts, Mr. Petrie, in objecting to them, objected to what has been recently shewn to have been a violation of the positive orders of the Court; and if there had been no such orders, I ſhould have been ready to aſk, if in this country it could be necessary to juſtify or apologize for the having objected to the condemning and puniſhing men unheard?

Because, in respect to the other procedure of the Madras Government above alluded to, their having ordered the Company's Law Officers to defend the persons charged with forging Nabobs bonds, and who were subsequently convicted of that forgery by a Britiſh jury, and a person charged with perjury in the evidence which he gave in their favour on that trial, and who was also convicted by another Britiſh jury selected from among the moſt respectable characters in the Settlement; if any Member of the Court can concur with Sir George Barlow in calling it a "conſtitutional interposition," I would requeſt of him to point out the part of our conſtitutional syſtem which recognizes it, or even by implication, sanctions or permits it.

Because Mr. Petrie's conduct in these inſtances, inſtead of meriting degradation and disgrace, entitled him in my opinion to praise and approbation, and I look forward with deep regret to the consequences that muſt result to the public intereſts, as well as to himself, from the requital he is about to experience; for I would submit it to the Court, whether we can expect that in future, Members of our Governments abroad will ever hazard the recording their disapprobation of, or dissent from the measures of any Governor, however fatal or deſtructive the tendency of such measures. We tell them it is their bounden duty, when they differ from the majority, to record their opinions, with the reasons on which they are grounded. We enjoin them to do so, nay we have recently censured Mr. Petrie in particular, for not having done it on some important occasions; and we now degrade him for having done that which we before censured him for having neglected to do.

Because it was with aſtoniſhment, that in the discussion of the subject I heard it said, that it was not for differing in opinion with Sir George Barlow, or for recording his dissents, that the measure of removing Mr. Petrie was proposed, it could not but be known in the Settlement, the records would announce it to the servants of the Company, that Mr. Petrie had so differed, and recorded his Dissents; nay, Sir George Barlow himself advances it as a charge againſt Mr. Petrie, that he "withheld the support of his opinion." His Minute so charging him, authenticated by the Secretary, finds its way to England, with Mr. Petrie's Answer, in which, with a temperance of language that diſtinguiſhes every line in it, and forms a ſtriking contraſt with the acrimonious ſtyle of his opponent, he pleads thus in his defence: "When I find that I could not conscientiously concur in the sentence of the President in Council, it was my duty, as it has been repeatedly

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peatedly explained and enforced by the Honourable Court of Directors, to record my diſſent." In another part of his answer, indeed, he pleads with less humility (in allusion to the recent ſuſpenſions and removals of officers without a trial or a hearing) that he had been taught "to conſider every man as innocent, until he is proved to be guilty." Both the Minutes are brought forward preciſely at the moment when the Madras Commiſſion of Government is to be arranged, and Mr. Petrie, the ſecond Member of the Council, and whom Sir George Barlow had found in the quiet undiſturbed poſſeſſion of the office of Governor, is excluded from the Commiſſion, not indeed until after the Queſtion had once been determined in his favour. Under theſe circumſtances will it be believed, either in India or in this country, that Mr. Petrie's degradation *is not* in conſequence of his having differed in opinion with Sir George Barlow, and diſapproved and recorded his diſapprobation of ſome of his meaſures?

Becauſe, if Mr. Petrie has committed any other offences that call for ſo ſevere a puniſhment, they ought, in my opinion, to have been diſtinctly ſpecified; we are aware indeed, that it was ſtated in the debate on the ſubject, that "Mr. Petrie would have given up every thing;" but on what act or proceeding on his part ſuch a ſtatement relied, we are entirely ignorant; and Mr. Petrie, as if he had anticipated ſuch a repreſentation of his conduct, has virtually, and I think ſatisfactorily anſwered it in his Minute: it was urged alſo, that the not removing Mr. Petrie would imply "a bending to the Army." After all the declarations ſo full of approbation of the conduct of the Government, and of reprobation of that of the officers, which have been diſpatched to India, and doubtleſs publiſhed in General Orders, and with Sir George Barlow continued in the office of Governor, and Mr. Oakes included in the Commiſſion, I am unable to conceive how the *not* removing of Mr. Petrie could imply a bending, or any conceſſion whatever to the Army; although if it is known that he was the only Member of the Council who objected to any of the violent meaſures that were purſued, it is eaſy to imagine that his excluſion muſt produce an oppoſite effect.

Becauſe it was alſo endeavoured to be impreſſed (and ultimately I muſt think but with too much ſucceſs) that the removal of Mr. Petrie from the Council had nothing to do with the merits of Sir George Barlow's conduct, which were ſtill open to enquiry but if it were poſſible to admit that poſition, it would follow; that the Court may hereafter condemn thoſe very meaſures, and recal Sir George Barlow for that very conduct which they have condemned, and degraded Mr. Petrie for having oppoſed; and may feel, that the leaſt reparation that could be made to Mr. Petrie, would be the reſtoring him to his ſeat in the Council, but a reparation from which he would in all probability be precluded, by having embarked for England, which, if he poſſeſſes ſufficient to place him above actual indigence, there can be no doubt he will do as ſoon as poſſible, after receiving the intelligence of his removal. It ſeems to me then perfectly obvious, that the enquiry into Sir George Barlow's conduct (ſuppoſing it ſtill open to one) ſhould have preceded any deciſion on the conduct of Mr. Petrie.

Becauſe, if Mr. Petrie's removal from his ſeat in the Council is not in conſequence of his having objected to, and recorded diſſents from ſome of the meaſures of Sir George Barlow, it muſt follow, that his only offence conſiſted in his withholding his ſignature from an Addreſs to Sir George Barlow in Council, to which it had been propoſed to him to affix it. As it was known that the Addreſs in queſtion was not the ſpontaneous act of the community, or reſolved on at any general meeting convened for the purpoſe, it can hardly be conſidered as matter of blame on Mr. Petrie, if he was ignorant that Sir George Barlow attached to it any value; if however, Mr. Petrie, apprized that his ſignature was ſolicited with the concurrence or knowledge of Sir George Barlow, had refuſed to affix it, I might have thought ſuch refuſal injudicious, but ſhould ſtill have contended that it was entirely optional on his part to affix, or to withhold it, without the infringement of any duty or principle; and with reference to his rank and ſtation, he might naturally have felt ſome jealouſy in conſequence of not having been previouſly conſulted: but the fact proves to have been, that Mr. Petrie, after ſtating in a private note to Sir George Barlow his impreſſion on the ſubject, *did* offer to ſign the Addreſs.

Becauſe, in the Minute of Sir George Barlow, ſevere as it is, and comprizing as we may fairly preſume it does, all that he could bring forward againſt Mr.

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Petrie, there is nothing laid to Mr. Petrie's charge that is not fully and satisfactorily refuted in his calm and dispassionate Answer, which evinces a spirit corresponding with the temperate councils which he gave, and which, could they have prevailed at the commencement of the agitations, would have prevented the dreadful excesses that followed. I think Mr. Petrie's conduct and intentions merited a different return from that which awaits them; at the same time I do not deny to Sir George Barlow an equal rectitude of intention, and in his measures for the suppression of the revolt, I readily acknowledge a firmness suited to the crisis: but I cannot look back to his preceding ſteps without perceiving that he in a great degree made for himself the occaſion for its exertion, by their unqualified violence, in which he appears to me to have loſt ſight both of Britiſh juſtice and of British feeling.

On all these grounds, and above all, because the measure itself obviously partakes of the harſhneſs and violence which have already been productive of ſuch deplorable effects, and tends to identify the Court of Directors with a ſyſtem under which it is in my opinion impoſſible that the Company's affairs in India can proſper, I feel myſelf impelled by the ſtrongeſt ſenſe of public duty to record my ſolemn Proteſt againſt the removal of Mr. Petrie from his ſtation in the Madras Council.

London, 24 April 1810. (Signed) J. HUDLESTON.

Diſſent of JAMES PATTISON, Eſq.

DISSENT of Mr. Pattiſon.

I DISSENT from the Reſolution of the Court of the 9th inſtant, which diſmiſſes Mr. Petrie from the Council of Fort St. George, on the ground of its being both impolitic and unjuſt, and for the following Reaſons:

Becauſe the Minutes of Sir George Barlow and of Mr. Petrie, tranſmitted by the Preſident of the Board of Controul, as proofs of the neceſſity of ſuch a change in the Madras Government, under an avowal that they came *accidentally* into his hands, and which (no other copy of them having been received at the India Houſe, though authenticated by the ſignature of the Secretary, would, in better times, have been probably rejected by the Court as inadmiſſible) furniſh ample teſtimony of the character of the two individuals; the one being a violent and malignant invective, the other a calm, moderate, and dignified refutation.

Becauſe it is the bounden and enjoined duty of a counſellor to deliver his opinions with freedom, and to record them when over-ruled, if he ſhould think the ſubject of ſufficient importance. On a former lamentable occaſion Mr. Petrie incurred the diſpleaſure of the Court, for having omitted to record his opinion. By the preſent Reſolution of the Court, he will be puniſhed for having urged and maintained his ſentiments in oppoſition to thoſe of Sir George Barlow!! and future counſellors will be ſtrangely puzzled how to act, if puniſhment is thus made equally to attend upon paſſive and firm reſiſtance.

Becauſe, if puniſhment thus awaits freedom of opinion, no counſellor will henceforward hazard oppoſition to the will of a Governor, and the eſtabliſhment of a Council will become worſe than uſeleſs, by holding out deluſive hopes of collective wiſdom; and in the new Charter it will be more conſiſtent, and leſs expenſive, to obtain the ſanction of the Legiſlature to the appointment of arbitrary Governors, than to continue the preſent ſyſtem of nominal counſellors, whoſe ſafety can only be found in paſſiveneſs.

Becauſe the object of the Reſolution is clearly twofold; and while it lightens Mr. Petrie in the balance, the ſcale of Sir George Barlow's merits is in proportion the weightier. This ſelf-evident propoſition, though maſked by the late honourable chairman (Mr. Grant) and almoſt, if not wholly denied (by which ſkilful manœuvre the majority was obtained which decided the fate of Mr. Petrie) makes me doubly anxious to record my Diſſent; as I think the direct converſe was the courſe the Court ſhould have taken; conſcientiouſly believing that on every point where Sir George Barlow and Mr. Petrie have been at iſſue, the view of the former (ariſing probably from the unbending nature of his character) has been invariably wrong, and that of Mr. Petrie, on the other hand, as invariably right. I ſhall touch ſlightly on the prominent points which have eſtabliſhed this opinion.

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1ſt. The conduct of the Government in the case of Mr. Sherson and Mr. Smith, while the alledged misconduct of the former was under the inveſtigation of a Committee, proceeding upon allegations, and examination of native Accounts not underſtood by them, a Committee composed of three persons, one in known oppoſition to Mr. Sherson; one Mr. Sherson's deputy, who muſt have ſhared his faults, and who looked to succeed, and did really succeed to his office; and the third a gentleman who could not make up his mind to sign the Report againſt Mr. Sherson: while this extraordinary inveſtigation is proceeding by order of Government, Mr. Smith the Auditor General is ordered to audit Mr. Sherson's Accounts of Grain. He proceeds therein, he is prepared to deliver it; when he is directed to hold communication with this criminating Committee—he demurs, conceiving such communication foreign from his duties; he is enjoined obedience; he obeys, he attends; he finds his views and those of the Committee in absolute dissonance. He remonſtrates reſpectfully to Government; he is ordered to deliver in his Audit; he does so, with reſpectful remarks on the deficiencies charged againſt Mr. Sherson, and his reason for thinking his vouchers correct. What is the result? Mr. Smith is dismissed from his situation on a charge of gross partiality!!! but after some frittering of words upon his intentions, &c. he is appointed to be—what?—a Judge!!! Is any proceeding so monſtrous in absurdity to be found in any hiſtory? Deriſion would be its proper treatment if the fortune and character of a tried and able servant were not at stake; as it is, who can hesitate to approve of Mr. Petrie's judgment, who opposed this measure, or to censure in the bittereſt terms the folly, not to say the wickedness, of the Government which adopted it.

2dly. The conduct of the Government in the trials of Reddy and Anunda Row, and Mr. Battley.

Without entering into the detail of these transactions, I muſt give the tribute of praise to Mr. Petrie, who opposed the interference of Government in a cause no wise affecting the intereſts of the Company; it being a squabble among individuals for a juſt allotment of proportions of a specific sum, payable by the Company to the approved Creditors of the Nabob. The appointment of the Advocate General (himself intereſted in the suspected bond) to defend the criminals; the dispatch of a civil servant into Tanjore to collect evidence for Mr. Battley; and above all, the shameful vindictiveness displayed by the Government againſt the prosecutors, and even againſt some of the Jury after their decision, are all a mass of disgrace indelible from the records againſt the Madras Government.

3dly. The difference between the conduct of Government, or rather of Mr. Petrie, when Governor, and that of his successor Sir George Barlow, towards General M'Dowall and the Army: during the former, though the Tent Contract had been aboliſhed under the previous government of Lord W. Bentinck, of which Mr. Petrie was a member, the Army was patient; although General M'Dowall was not appointed to the Council, he was quiet, and to all appearance resigned. On the accession of Sir George Barlow to the government, Colonel Munro's Memorial, which was of a private and confidential nature, and which had slept while its object had been secured, is brought out most unnecessarily, and is delivered by Sir George Barlow to the Adjutant General!! Hence sprung the fatal feuds between Colonel Munro and the officers, declaring themselves aspersed by this Paper. General M'Dowall, instead of conciliatory conduct on the part of the new Government, meets with slights; and troops are ordered to march without his knowledge!! who can avoid tracing the evils which ensued to their real source, in Sir George Barlow's harsh and unconciliatory character.

4thly. When the officers who felt aggrieved by the expression of Colonel Munro's Memorial, delivered in one of a moſt reſpectful nature, addressed to the Court of Directors, pledging themselves to a patient and submissive expectation of the Court's answer, this document, which, if forwarded, would have ensured tranquillity, was refused transmission.!!! Was this wisdom in the Madras Government? Mr. Petrie would have indulged them in their requeſt. This too is doubtless one of his offences; but it would probably have spared India the convulsion ſhe has suffered, and the deep rooted mischief which remains behind.

5thly. Had Mr. Petrie's advice been followed, the ill-judged suspension of Colonel Capper and Major Boles would not have brought into agitation the dangerous question, where obedience is to cease in military matters, and discussion

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of the legality of the orders of superior officers is to begin. This suspension was considered a great aggravation by the officers; and was a most dangerous rallying point, on account of its palpable injuſtice. Policy alone would have dictated to a wise Government to avoid so critical a queſtion. Can the Madras Government be ſufficiently blamed for forcing it into diſcuſſion!!

6thly. I ſhall laſt touch upon the General Orders of the 1ſt May, highly diſapproved by Mr. Petrie, but promulgated by Government, contrary to the principles of juſtice and ſound policy. To juſtice, as charging and condemning (ſynonimous words with the Madras Government) the officers therein named as conſpirators to ſubvert the Government; and this upon *ex parte* evidence, without notice to the accuſed of the charge, or a hearing of their defence!! contrary to ſound policy, as producing great additional irritation, without the poſſibility of adequate advantage. And the reſult fatally proved the wiſdom of Mr. Petrie's advice, as the ſuſpenſion of theſe officers ſet fire to the match already prepared by the aggravations enumerated.

I ſhall cloſe this my ſolemn Diſſent from the diſmiſſion of Mr. Petrie, by obſerving, that this act will be felt at Madras, as a general approbation of all Sir George Barlow's meaſures; and the impolicy of the Reſolution keeps pace with its injuſtice. When a whole Settlement, civil and military, holds a Governor in execration, and he is thus made to triumph over the only member of the Council who had the firmneſs to oppoſe his harſh and tyrannical conduct, it is to be dreaded that the meaſure itſelf will be execrated; and that the character of the Court may ſuffer from its implicit and indiſcriminate ſanction, thus declared, of the whole of Sir George Barlow's conduct. I muſt alſo be permitted to remark, that the boaſted firmneſs of Sir George Barlow, after the rebellion had burſt forth, deſerves approbation only, in as much as no other courſe was left with probable or even poſſible views of ſucceſs; but it is too much to expect that fortitude, under a criſis created by himſelf, ſhould be crowned with praiſe. It is at beſt but negative merit; and he who has riſked the fortunes of his country on the hazard of a die, is not fit again to be truſted.

It is moreover evident, that all his firmneſs could not have ſaved him, and with him the Settlement of Madras, had not Lord Minto's approach led to a hope in the Army, that the ſtern and haughty character of Sir George Barlow would be obliged to bow down before the known clemency and moderation of the Governor General. Sir George Barlow riſked the fate of India. It is ſtill a problem what courſe will beſt heal the rankling wounds of the Army. I fear from the late deciſion of the Court againſt the Motion to reſtore the ſuſpended officers to the ſervice, that a conciliatory ſpirit is not to be looked for in the Court. I hope I may be miſtaken.

London, 24th April 1810. (Signed) JAMES PATTISON.

To the Honourable the Court of Directors.

REPLY of Mr. Grant and Mr. Aſtell.

Gentlemen,

IN the Diſſents of ſeveral Members of the Court to the meaſure of removing Mr. Petrie from the Council of Fort St. George, there are repreſentations given reſpecting the introduction of that meaſure, the conduct of it, and ſeveral circumſtances connected with it, which are eſſentially defective and erroneous; and as thoſe repreſentations are pointed particularly to us, who then had the honour to fill the chairs, we find it neceſſary to give a full and accurate explanation of the tranſaction in queſtion.

Of the unparalleled danger to which our Indian Empire had been expoſed by the convulſions at Madras, we need not here ſpeak. The Court in general, under a deep conviction of that danger, of the neceſſity of utterly diſcountenancing inſubordination, and upholding the cauſe of legal Government, had written the diſpatches of the 15th and 29th September 1809, and 9th February 1810, to Fort St. George. It was a fact of perfect notoriety that Mr. Petrie had not concurred in the meaſures purſued by the Madras Government, which the Government General had cordially ſanctioned; and the detriment to the public intereſt

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intereſt of a diſcordant Adminiſtration at Madras at ſuch an awful criſis, was very obvious. A deep responſibility lay upon the Authorities at home to continue an unequivocal ſupport to the civil power in India, and to adopt ſuch meaſures as might be proper to manifeſt that they would admit of no compromiſe on that head.

As early as the latter end of January laſt the Preſident of the Board of Commiſſioners did, of his own motion, and as we have every reaſon to believe, under a ſtrong conviction of the ſentiments we have juſt expreſſed, addreſs an official letter to us, to be laid before the Court, ſetting forth the diſadvantages which muſt reſult to the public intereſts in the critical ſtate of affairs at Madras from divided Counſels in the Adminiſtration there: hence the utter inexpediency of continuing together men who ſo much diſagreed; and, as the Court had approved of the ſyſtem of policy purſued with reſpect to the inſubordinate officers of the Army by Sir G. Barlow and the majority of the Council, the conſequent propriety of making the change that became neceſſary by the removal of Mr. Petrie. The Preſident intimated further his ſenſe of the importance of this meaſure to be ſuch, that, if the Court ſhould ſee fit to decline the adoption of it, he would feel it his duty to adviſe His Majeſty to recal Mr. Petrie. To the beſt of our recollection the two Minutes of Sir George Barlow and Mr. Petrie, ſince laid before the Court, were in Mr. Dundas's poſſeſſion at that time.

See the Letter.

Though much impreſſed with the ſame views of the neceſſity of manifeſting an unambiguous and entire ſupport of the Madras Government, and of the unfortunate and improper line of conduct held by Mr. Petrie, yet, as the Madras Conſultations were not arrived, we were quite unwilling even to agitate the queſtion moved in Mr. Dundas's letter; and, upon our earneſt requeſt, he was induced to agree that we ſhould delay the preſentation of that letter to the Court.

We wiſh it to be particularly noticed here, that, believing Mr. Dundas to think it incumbent on him to adviſe the removal of Mr. Petrie by His Majeſty's Warrant, if the Court ſhould not deem it expedient to make a change themſelves, our anxiety to prevent recourſe to a power ſo offenſive to the Company, under circumſtances which might reconcile the public to the exercise of it, added to the diſpoſition which a ſenſe of duty created in our minds, to bring the conduct of Mr. Petrie under the conſideration of the Court.

Nevertheleſs the Madras Conſultations did not arrive; for two months afterwards nothing was done, and we expected, and indeed wiſhed, to ſee the termination of our office for the year before the queſtion concerning Mr. Petrie ſhould be agitated.

But circumſtances occurred which forced that queſtion forward, contrary to our intention, and left us, according to our ſenſe of duty, no option but to follow that courſe for which we have been ſince arraigned by the very perſons who impoſed the neceſſity upon us.

Sir Samuel Auchmuty, who had been recently appointed Commander in Chief and ſecond in Council at Madras, was about to ſail to India towards the end of March. As the Council was before full, it became neceſſary, in conſequence of the General's appointment, to diſplace one of the three Counſellors of that Government.

This brought immediately into view an enquiry concerning the perſon that ſhould be removed. In the ſtate in which the caſe of Mr. Petrie ſtood, we were unwilling, on the grounds already mentioned, to propoſe at that time his removal; and, on the other hand, we could not, conſiſtent with our ſenſe of duty, propoſe a new Commiſſion of Government (as the change in it required) in which he ſhould be formally re-appointed ſecond Member, becauſe that might ſeem to the whole world an acquieſcence, without any inquiry, in the line of conduct he had held during the late convulſions. We therefore thought to elude the difficulty by delaying the Commiſſion of Government, and, in the mean time, ſimply notifying to Madras the appointment of Sir Samuel Auchmuty as Commander in Chief and ſecond in Council. In the caſe of ſimilar appointments it had before happened, that, upon receiving advice thereof in India, the junior Member of Council, that is, the laſt appointed, had been required to

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withdraw: we reckoned that the same course would, in conſequence of the proposed notification, be followed by the Madras Government in the inſtance before us, and that Mr. Casamaijor, the junior Member, would be displaced to make room for General Auchmuty.

We meant this certainly only as an arrangement for the preſent, until, by the diſpoſal of the queſtion concerning Mr. Petrie, a new and permanent Commiſſion of Government ſhould be ſettled. But the friends of Mr. Petrie in the Court would not leave the matter in this ſtate. They ſaid they could not truſt the Government of Madras with the fate of Mr. Petrie, and that if it was left to them, he, and not Mr. Casamaijor, would be removed. There was in our opinion no good ground for apprehending that Government would venture upon any unuſual ſtep, becauſe they would ſee that the Court's own intention would have effect by the new Commiſſion which was to follow, and Sir George Barlow, for any thing we know, could not reckon that the removal would, by that Commiſſion, fall on Mr. Petrie. Some of the Members of the Court, however, gave notice that they would move an amendment to the propoſed paragraph to Madras, to the effect of declaring, that Mr. Casamaijor ſhould give place to General Auchmuty. This happened about the end of March, within ten or twelve days of the annual change in the Direction, which was to remove us from our reſpective ſeats in the Chairs, and ſome of the friends of Mr. Petrie from the Direction by rotation, of which laſt circumſtance they could not fail to be aware.

Finding that the queſtion was thus to be forced forward within the ſhort remainder of our official time, and in a way in which Mr. Petrie's conduct could not be duly conſidered, and yet that the intended amendment, if it ſucceeded, might be thought virtually to ſanction that conduct, we ſaw the neceſſity of calling the attention of the Court to the ſubject ourſelves, and, in the only manner left us, that which the President had above two months before propoſed. And as he had ſuſpended his meaſure at our requeſt, we then felt ourſelves bound to inform him of the circumſtances which obliged us to accede at length to his propoſition; of which neceſſity he was indeed otherwiſe aware, for Sir Samuel Auchmuty, whoſe preſence was ſo neceſſary in India, and whoſe ſhip was under ſailing orders, had ſtated that he would not depart until the poſſibility of any demur to his entrance into a ſeat in Council immediately on his arrival at Madras, ſhould be obviated by a ſpecific declaration of the Member who was to give way to him. Under this and other new circumſtances, Mr. Dundas addreſſed another letter to us, dated 2d April, which was read in Court on the 3d of that month, and of which we annex a copy to this Paper. Upon laying that letter before the Court, we explained both our preceding intercourſes with Mr. Dundas, and our ſentiments relative to the ſubject of it, as we have now ſtated them. On the 6th the ſubject came to be conſidered, and, after a long debate, we had the honour to move that a new Commiſſion ſhould be iſſued for the Government of Fort St. George, containing the names of the old Members, excepting that of Mr. Petrie, together with the name of Sir Samuel Auchmuty. Upon this an Amendment was moved to the following effect:

"That Sir G. H. Barlow ſhould be appointed Governor.
"Sir S. Auchmuty, Commander in Chief, and ſecond in Council.
"W. Petrie, Esq. third in Council, and on the coming away, death, "or reſignation of Sir G. Barlow, to ſucceed to the Government.
"Thomas Oakes, Esq. fourth in Council."

At this time there were twenty-three Members in Court, and Mr. Mills, who was abſent, was known to be of the ſame opinion with us upon the preſent ſubject.

After the debate upon this Amendment had proceeded ſome time, a motion o adjournment was made by the Gentlemen oppoſed to us; we preſumed to try their ſtrength. It was negatived by the ballot, and Sir F. Baring, one of thoſe Gentlemen, went away deſpairing, as we conceived, of the main queſtion. To arrive at that queſtion according to the forms of debate, it was next moved, "That the words propoſed by the Amendment to be left out," (that is to ſay the words of our original Motion) "ſtand part of the queſtion." This was carried in the affirmative. *The Amendment which propoſed to retain Mr. Petrie and exclude Mr. Casamaijor, was thus rejected.* Then came on the main queſtion, there being

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being twenty-two Directors present, and to the general surprize, as we believe, there appeared eleven for, and eleven againſt the Motion. Our idea was that one of the Gentlemen who thought with us had, by mistake, put his ball into the wrong box. According to the law provided in the case of equal votes by ballot, the queſtion was to be determined by the drawing of a lot. The lot drawn decided againſt our queſtion, which was thus loſt; and the proceeding of that day left the Government of Fort St. George as it ſtood before, though by the rejection of the Amendment, which proposed that Mr. Petrie ſhould remain in Council, the sense of the Court was then ſhewn upon what, indeed, was the real point in debate.

It was impossible to leave the Government in this ſtate, because, besides the other reasons which firſt impelled us to bring on the queſtion, Sir Samuel Auchmuty's refusal to proceed to India before a new Commission was settled, rendered that measure immediately necessary.

We therefore gave notice of bringing on the queſtion again on the 10th of April. Before that day, a member of the Direction, who happened to sit next to Colonel Taylor at dinner, informed the Chairman, that Colonel Taylor ſtated to him, he had voted againſt our Motion, not from the intention of supporting Mr. Petrie, but because, having aſked in the debate whether the carrying of that queſtion would preclude the future consideration of Sir G. Barlow's conduct? and having received no answer from the Chairman, he concluded it would; and therefore voted againſt the queſtion; but that, if he was satisfied of the contrary, it would be agreeable to his firſt intention to vote in the next debate for the removal of Mr. Petrie. The Chairman hereupon requeſted the friend who gave him this information to assure Colonel Taylor, that it was entirely from oversight his queſtion had not been answered; that so far from intending to preclude inquiry into the conduct of Sir G. Barlow, it was the Chairman's meaning and expectation that it should be diſtinctly considered, with a view to the remuneration of his services, and on that occaſion, any gentleman would have an opportunity of delivering his opinion. The Chairman himself took occaſion to give the same explanation to Colonel Taylor, and he repeated it in his place, when the debate was renewed on the 10th April, when also Colonel Taylor publicly ſtated what he had before said in private conversation.

On that day we moved the same queſtion which we originally brought forward on the 6th. The Amendment which had been proposed on that day was also moved again: that Amendment was loſt by the ballot, and the main queſtion was, on a second vote, carried by the ballot; whereby the name of Mr. Petrie was omitted in the new Commission of Government for Madras, and that of Sir S. Auchmuty inserted. This passed before Mr. Robarts, who was avowedly with us, but retarded by indisposition, arrived, and for whom it would have been easy to have waited. Without him, the votes for the removal of Mr. Petrie were twelve to ten; with him, if Colonel Taylor had ſtill been againſt us, the queſtion would have been carried; and as the sense of the Court really was, there were of the twenty-four Directors, fourteen, including Mr. Mills who was in the country, for the removal.

From this plain account, which is open to the observation of every gentleman who was in Court, it is clear that there was a real majority of the Directors for the removal of Mr. Petrie; that Colonel Taylor's having, on the firſt day, voted with the minority, proceeded from misconception, not from intention to support Mr. Petrie; that his change on the subsequent day sprung from himself, in consistency with his original sentiments; and that, without him, the queſtion, by waiting for Mr. Robarts, would have been carried on the 10th, so that both the idea which some seem to have entertained that a lot decided the queſtion, and the idea held forth in two of the Dissents* that the queſtion would again have been referred to the lot if one Member had not been *induced* to change his opinion, prove to be every way unfounded.

* Sir F. Baring and Sir H. Inglis's, and Mr. Pattison's.

So likewise, in respect to the assertion contained in the Dissent of Sir F. Baring and Sir H. Inglis: "Mr. Dundas acknowledges that it was in the contemplation "of the Chairs to remove Mr. Petrie as early as January laſt." Mr. Dundas certainly acknowledges no such thing, but plainly intimates that the overture upon that subject came from him, as his own letter annexed will show. The foregoing ſtatement contains the true account of this matter.

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* Mr. Elphinſtone's.

It is said in another Dissent* and as it seems, in the way of reflection, that "the *Chairs brought* before the Court *two Minutes.*" But can it be necessary to observe that the President of the Board sent these Minutes to the Court officially through the medium of the Chairs? This is the usual way in which public queſtions are proposed by the President to the Court, and the moſt convenient way. The Chairs have no power to refuse or withhold from the Court official communications made to them in that manner, unless with consent of the President; and if possessing such a power, they were to exercise it, the only consequence would be, that the same communication would come publicly to the Court through the Secretary of the Board.

With regard to the queſtion of acting upon the authority of those two Minutes, it is to be observed, that one of the principles upon which it is very juſtly held that private, extra-official, *ex parte* communications, are not proper grounds for any important measure is, that they want the authenticity which documents transmitted by the Government muſt have. But these Minutes, though privately communicated in England, were public records, authenticated by the Chief Secretary of the Government of Fort St. George; and they were not confined to one side—they contained the case of both parties ſtated by themselves respectively. There was not a doubt entertained about their authenticity (Mr. Dundas indeed, supposed that Mr. Petrie's friends also had copies of them), and as these Papers therefore, though not coming through the regular channel, possessed the same credibility which the regular channel would have given them, and contained also a complete case within themselves, the Charge, and the Defence, the only point before the Court was, whether either the queſtion of continuing Mr. Petrie in the Council, which some Members of the Court were determined to bring on, or the queſtion of making room for General Auchmuty, which muſt at any rate have come on, ſhould be considered, without regarding the very important matter directly bearing on these queſtions, contained in those authenticated Minutes? We do not know that a case similar to this had ever before come under the consideration of the Court; but we had no doubt in our minds that, as it was become unavoidable to decide on the continuance or removal of Mr. Petrie, there was no comparison between dispensing with somewhat of form, and ſhutting out subſtantial and important information from our view.

It was objected likewise, that the Consultations might contain further matter respecting the disputes between Sir G. Barlow and Mr. Petrie; and that, therefore, until they were received, the Court ſhould not decide upon that subject: but besides the necessity already explained, of proceeding to the queſtion immediately, it was presumable that, up to the date of the Minutes, the Consultations could contain nothing of importance for or againſt either party in relation to the dispute between them, which was not adverted to in one or other of those Minutes; and that no record subsequent to them was likely materially to alter the ſtate of facts given in them, which, as already said, made a complete case; unless, indeed, a rejoinder from Sir G. Barlow ſhould have brought into queſtion any part of Mr. Petrie's Minute, which rejoinder, had it proved nothing, would only have left Mr. Petrie's Minute confirmed in the credit it claimed at firſt.

As to the insinuations thrown out at that time, that the Madras Consultations were intentionally withheld in order to give an advantage to Sir George Barlow's cause, we could not admit the remoteſt suspicion of that kind; and the event has ſhown that there was nothing on the subject in queſtion to withhold the regular Consultations, since arrived, containing no further record relative to it.

In noticing misrepresentations, we think we ought not to pass over a passage in one of the Dissents, which describes the President of the Board of Control as "active, by public and private means, to remove an absent, innocent, meritorious individual, who cannot plead his own cause." We deem it right to say, that we believe this ſtatement to be unjuſt to the motives and conduct of Mr. Dundas; and although it is our intention to avoid all remark upon the language and manner of the Dissents, so far as they are pointed to ourselves, and to attend only to the matter of them, yet this passage exhibits so strong an inſtance of the violation of that decorum which the Court very properly maintains in its public writings, particularly towards a Department entitled to the observance of respect, and with which the Court has to carry on such conſtant intercourse, that we must express the concern we felt, and still feel, on perusing it.

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Of Mr. Buchan, who is probably the gentleman alluded to in the same passage as "the private inſtrument of Sir G. Barlow," we think it also fair to say, that we underſtand him to be a servant of high character for honour and for talents, sent home publicly by the Government of Fort St. George from a moſt confidential situation to give information to the Court; and though it is to be concluded from his mission that the intention of sending him was to corroborate, by his intelligence, the representations of the Government; yet neither that circumſtance, nor the omission of the Court to hear and examine him, which it was competent to any Director to propose, annuls the designation under which he came here.

The late Chairman being in the passage juſt alluded to, and in several others, personally attacked, he begs leave to offer a very brief defence. The "activity" with which he also is charged in employing "public and private means" to remove Mr. Petrie was, in reality, no other than that of which he has already given an account. With a ſtrong opinion on the impropriety of the line of conduct adopted by Mr. Petrie, he, however, used his influence successfully to put off the consideration of his case; and unless that consideration had been forced on from other quarters, it would not have taken place whilst he remained in the Chair. Activity in this matter is, therefore, moſt unsuitably imputed to him. As to the heightening terms used in speaking of Mr. Petrie,—"an absent man, who cannot "plead his own cause," is it not the conſtant practice here to examine the conduct of servants when they are in India? and has not Mr. Petrie expressly pleaded his own cause in the Minute before us? The term "innocent," also employed, assumes the whole matter in dispute.

The same thing is done when the late Chairman, who had in the year 1805, in conjunction with the Court, censured the exercise of a despotic power in Bengal, is charged now with supporting the cause of despotism at Madras, because he has concurred in the removal of Mr. Petrie. The nature of the charge here is this:—"Mr. Petrie has been removed for differing from the Governor: "if Counsellors are removed because they differ with the Governor, no man "will venture to give an opinion in opposition to him; and thus he becomes "despotic." This argument assumes, that no man in the ſtation of a Counsellor will do his duty, if the performance is to expose him to the loss of his place; a position certainly which public men ought not to maintain, especially in public writings. But Mr. Petrie was removed because his conduct was thought wrong; and ſhall it be said, that if the conduct of a Counsellor is really culpable, though in opposition to the Governor, he may not be removed, leſt others should improperly yield to a Governor, and so the Governor become despotic? It might naturally be expected, as a consequence of adopting any principle of this kind, that Counsellors would be led to assume an undue and factious licence. There is no sound rule of acting in this case, but to judge both Counsellors and Governors according to their real merits. The merits of the different lines of conduct pursued by Sir G. Barlow and Mr. Petrie have been already tried by the Court, and a determination passed in favour of the former. The propriety, indeed, of this decision is combated in the Dissents; and it will therefore no doubt be defended by those Gentlemen who concurred in that decision, and with them the late Chairman will have the honour to act.

The next Charge brought againſt the late Chairman is founded upon a paragraph of a Letter which was laſt year proposed to be addressed to the Bengal Government, relative to the interference of that Government with the Nabob of Oude, in behalf of a Britiſh subject who had claims in that country. The Letter was *not penned*, as the Dissent assumes, by the late Chairman, and it was pointed, not againſt the conduct of Sir G. Barlow only, as the Dissent may also be underſtood to imply, but took up the business from its commencement, early in the Government of Marquis Wellesley, and censured the principles and grounds on which it proceeded through five or six years of that government, and conformably to which it was completed in the firſt year of Sir G. Barlow's adminiſtration.

Now the amount of this Charge is, that the late Chairman having disapproved of the whole of this transaction, comprehending that part of it which fell within the time of Sir G. Barlow's government, is guilty of "gross and glaring partiality," because he now supports the cause of Sir G. Barlow in opposition to

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that of Mr. Petrie. This Charge not only aſſumes the truth of the one immediately preceding, which has been already repelled, but implies no leſs than this ſurprising proposition; "that the conduct of a Governor having, in one inſtance, been diſap-"proved as wrong, it is not therefore to be approved in another inſtance where it "is thought right." Such a proposition carries its own refutation with it; but the late Chairman affirms, that he has in fact done no more than cenſure one measure which he deemed to be improper (though he never conceived it ought to have been followed by a removal from office) and has, on another occaſion, ſupported a courſe of meaſures which he judged to be decidedly right.

The late Chairman thinks it expedient to avail himſelf of the preſent opportunity to ſtate, that this ſupport has been given on public grounds. Though Sir G. Barlow and he were for a time contemporary on the Bengal Eſtabliſhment, there was hardly any perſonal acquaintance between them; and they never exchanged a Letter until ſixteen years after Mr. Grant had been in England. Sir G. Barlow, on becoming Governor General on the death of Marquis Cornwallis, wrote to Mr. Grant, as Chairman of the Eaſt India Company. The correſpondence which has paſſed between them ſince has turned on public ſubjects, and has been conducted on public principles, which, it is preſumed, would do neither of them diſcredit. Mr. Grant does not recollect that the name or conduct of Mr. Petrie has ever been mentioned in the Letters of Sir G. Barlow, or in his own, until the removal of Mr. Petrie from Council.

For the general defence of that meaſure, in oppoſition to the opinions advanced againſt it in the Diſſents, we muſt jointly refer you, Gentlemen, to another Paper, in which it is diſcuſſed at large.

We have the honour to be,
Gentlemen,
Your moſt obedient humble Servants,
(Signed) C. GRANT.
W. ASTELL.

Eaſt-India House,
10th September 1810.

The "PAPER"

Alluded to, in the concluding Paragraph of the foregoing Letter.

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To the Honourable the Court of Directors.

Gentlemen,

Preliminary Obſervations on the late Revolt at Madras.

THE late Revolt of the Officers of the Madras Army is the moſt remarkable and moſt important event that has occurred in the hiſtory of Britiſh Adminiſtration in India ſince our firſt acquiſition of territory there. It led to the commencement of a Civil War in the Carnatic; it threatened to involve the whole peninſula in anarchy and blood: to encourage the numerous diſaffected adherents of the fallen families of Tippoo and Mahomed Alí to inſurrection, to invite the Native Powers to fall upon us whilſt in this ſtate of internal convulſion, and to ſubvert a Government which had ſucceſsfully reſiſted, through a long courſe of years, the repeated attacks of the neighbouring States. This inteſtine war did not proceed from the natives diſplaced by our power, or employed in our ſervice. It proceeded from our own people, from Britiſh-born ſubjects, from military men to whom the command of the Army, the defence of our Government, was committed, and who by their profeſſion, and the ſolemn obligations it impoſed on them, were bound to fidelity and obedience. So ſignal an event ought to leave a profound impreſſion upon the minds of all thoſe to whom the adminiſtration of Britiſh India is en-

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truſted; and the causes which led to it ought, with a view to future good, to be well underſtood and eſtabliſhed, to be, where any doubt or diſpute ſtill remains, inveſtigated with the utmoſt care and impartiality. To miſtake the causes, to ſuppose the revolt to have been occaſioned by what did not produce it, and to overlook circumſtances which really had a material effect in bringing on that unnatural proceeding, would have a fatal influence upon our determinations reſpecting the merits of the actors in the recent transactions, and the policy which ought to be observed in future. Condemnation might thus be pronounced on those who are entitled to the higheſt praiſe, and encouragement, inſtead of resistance, be given to the dangerous spirit of insubordination.

We conceived indeed, that the task of passing a final judgment upon the conduct both of the Government of Madras, and of the officers of the Army in the late extraordinary commotions, had been performed in the several dispatches sent by the Court upon those subjects to the Presidency of Fort St. George, under dates the 17th Auguſt, 29th September, 12th October 1809, and 7th February 1810; and we lament to see the opinions which so long afterwards have been given to the Court, and through them to the public, upon these momentous topics, on occaſion, not of any original direct queſtion then brought forward concerning those topics, but of a queſtion concerning an individual. The opposition made at the periods of those dispatches to the sentiments they contained relative to the conduct of the Army, and of the Government towards it, proceeded to the beſt of our recollection only from a few gentlemen, and had reference chiefly to the suspenſion of certain Military officers; Mr. Elphinſtone alone having recorded a Dissent on the 13th October 1809, to the approbation generally beſtowed by the Court on the measures of the Government then in queſtion. Afterwards certain proceedings of the Court itself with respect to those officers, drew from Messrs. Elphinſtone, Hudleſton, Pattison, and Bannerman severally, Dissents, in which indeed there were some ſtrictures upon the character and proceedings of the Governor Sir G. Barlow; but in the Dissents which have been entered by those four gentlemen respectively, and by Sir Francis Baring and Sir Hugh Inglis jointly, on occaſion of the removal of Mr. Petrie from the Council of Fort St. George, the whole queſtion of the causes of the discontents in the Madras Army, and of the conduct of the Government of that Presidency in relation to them, is again opened and discussed, and a judgment passed upon it very different from that which the Court has pronounced. We feel ourselves therefore called upon to go into this queſtion anew; and though we shall proceed to it certainly with unabated conviction of the soundness of the conclusions we have formed, and consequently with a juſt disposition to defend them, yet also with a full purpose of reviewing and ſtating fairly the facts and arguments from which those conclusions have been deduced, and of examining in the same spirit, the opinions delivered in the Dissents above mentioned. It was our declared wiſh to do this soon after the production of those Dissents; but successive interruptions occaſioned unintentional delay, which, however, does not effect the queſtion, nor, we hope, the public intereſt. In the performance of the task we have proposed, we ſhall be led to unfold the grounds on which, when it became unavoidable to determine on a new commiſsion of Government for Fort St. George, we deemed it our indispensable duty to vote for omitting the name of Mr. Petrie in that commission; because we agree with the authors of those Dissents, in viewing the queſtion concerning the merit or demerit of the Madras Government in its policy and conduct respecting the Army, as intimately connected with the queſtion of the merit or demerit of Mr. Petrie in the opinions he professed, and the part he acted with relation to the same most important objects; though there is ſtill another queſtion diſtinct from these:—whether Mr. Petrie, upon his own principles, acted rightly?

The Dissents to the removal of Mr. Petrie go, with reference to that measure, into the whole subject of the disputes between the Government and Army of Fort St. George.

Intended review of that subject here.

Different representations on the subject.

In the agitations produced by civil diſcord, when numbers are involved, when perſonal and party intereſts are at ſtake, and as a natural consequence, violent inflammatory representations are from many quarters made to the public, it muſt be more difficult to purſue inquiry with a dispassionate and unbiassed mind. For those especially whose duty it is, as Directors, to perform the solemn office of Judge upon the conduct both of the Government of Madras and of the officers of the Army in the late extraordinary commotions, one of our own body, Mr. Elphinſtone, in his Dissent of the 14th April 1810, has proposed a good rule; "That the "Minutes and Consultations of Council are the only true and conſtitutional in-

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"formation that ought to come to the Government at home, and on which they "ought to form their decision, all other being only *ex parte* evidence, which "never ſhould be implicitly believed or acted upon." Presuming that the honourable gentleman did not mean by his proposition, the scope of which is that decision ſhould proceed only upon well authenticated facts, to exclude truth otherwise incontrovertibly eſtabliſhed by public proof, we approve of the spirit of his rule, which is conformable to our own sentiments; and it ſhall be our aim, in the whole course of this paper, to adhere to it ſtill, under a deep impression of the imminent perils to which the Company and the Nation have recently been exposed, and the transcendant importance of guarding againſt such evils in the time to come.

Since the alarms excited by the progress of revolt, have been removed by the knowledge of its suppression, it has become the faſhion of many persons, both in writings and discourse, greatly to overlook the guilt of the officers in that moſt criminal and dangerous proceeding, as if the whole with respect to them were over, and to draw the attention chiefly to the conduct of the Madras Government, or rather of Sir G. Barlow, the Governor, in order to fix upon him the blame of the evils which have happened. This is a queſtion which may now be discussed with perfect safety to the generality of the officers, since the amneſty of Lord Minto has exempted them from puniſhment, which he declares them to have deserved: but although the opposite parties in the late conteſts are thus very unequally placed, and the accusations againſt Sir G. Barlow, however expanded in this country, originate chiefly with those officers, it is our wiſh, that when they are adopted or supported by the written opinions of Members of this Court, they may also undergo an examination in writing; and this will be moſt properly done by following the important inquiry already proposed, into the *causes* which produced the revolt of the officers of the Coaſt Army.

Inquiry into the causes of the Revolt.

Those who look no further for the springs of this event, than to the occurrences which immediately preceded it, reason contrary to general experience, which has eſtabliſhed the maxim, "that no one becomes all at once deeply criminal." The revolt was not a mere paroxysm of resentment into which men were suddenly hurried from a ſtate of perfect subordination; it had in it characters of matured, syſtematic combination and pretenſion, which could only be the work of time: and the persons who thus argue, muſt also be unacquainted with the exiſtence of authentic information, which militates againſt their hypothesis.

Remoter causes.

The account of the firſt oſtensible movements in opposition to the measures of Government, ſhows a temper of insubordination already formed; and it has long been our conviction, that the spirit and principles by which the sedition of the officers was incited and impelled, had their origin in an early period, and that the causes of the revolt might juſtly be diſtinguiſhed into such as were more remotely predisposing, and such as were proximate. Gallant as the conduct of our Eaſtern Armies has been in the Field, and fertile as they have been in men eminently fitted for civil and political as well as military employments, it is not unknown to persons well acquainted with India, that even before our force there became considerable, very many of the officers, who lived chiefly in camps, separate from other society, indulged and provoked in each other a spirit of discontent, founded in invidious comparison between their own advantages and those of the civil branch of the service. The desire of rank and emolument, common probably to all military officers, has, in that country, from local circumſtances, operated with peculiar force. It was not ſtimulated only by the idea of unequal allotments, and the powerful influence of a common sentiment ſtrengthened by free communication through the general mass of military society, but that society remained, from the principle of advancement only by seniority, composed of individuals who looked to pass a great part of their lives far diſtant from their native country, to which they naturally cheriſhed a wiſh to return, with the provision of which the adventurous spirit of youth had indulged the hope, and of which the scene before them seemed to afford the means.

The workings of this desire in the cases of individuals, and in queſtions of military allowances, may be traced through the whole course of the Company's records; and its ebullitions in the combination which produced the mutiny in 1766,

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and the agitations of 1796, were very formidable. It was, in our opinion, also a predisposing cause of the revolt of 1809, in co-operation, no doubt, with other causes of the same tendency, some of which may now be noticed. The infusion of King's troops into the Indian service, which has happened within the laſt twenty years, seems, from the beginning, to have been a source of discontent to the Company's officers, as interfering with honours and emoluments which they before exclusively enjoyed. It took place chiefly under the Madras Presidency; and, as the number of those troops progressively increased there, and the Company's officers thought, not always without reason, that partiality was ſhown to those of the King, in the diſtribution of advantages, the privations to which they appeared to be thus subjected, became a permanent theme of complaint in the Madras Army—a complaint which the Company have done all in their power to remove, by enjoining the ſtricteſt juſtice in the diſtribution of places and emoluments: and their orders were actually, in a great measure, carried into execution at the time when the late diſturbances broke out, although the charge of partiality ſtill continued to be then repeated. With respect to the introduction of a large portion of the King's Army into India, our political circumſtances in that country have required a considerable accession of European troops; and since the privilege of recruiting has been withdrawn from the Company, the supply could only be furniſhed from the public force. The Company's Armies have also been largely increased, and with their numbers the former feelings of injury have been extended and ſtrengthened. Their brilliant achievements in the late wars, of which, and of the superlative praise beſtowed on them by the Indian Governments, the Madras Army has had its full ſhare, have naturally enhanced their sense of their own importance: and it will hardly be denied, after the decisive evidence furniſhed by the late revolt, that the officers of the Madras Army (we wiſh always to be underſtood as meaning the majority only) fully believed they had the native troops entirely at their devotion. From this sentiment, which the implicit obedience of those troops had long tended to confirm, the officers appear to have tacitly persuaded themselves that they had the power not only of overawing, but even of overturning, the Civil Government. We mean not to insinuate that they entertained such an intention, until the late excesses carried them at length to that fearful precipice: but the idea of their possessing such a power, muſt have had an habitual influence in exalting ſtill more their eſtimate of their own importance, raising also their expectations, and aggravating their impatience under supposed wrongs. The example of the concessions obtained in 1796 is now proved to have had, as might have been expected, a great effect upon the minds of the Madras officers *. The Indian Army may be allowed to have had at that time real causes of complaint, which were indeed very improperly urged, but too long unredressed. Since that period, however, the Bengal Army has been highly diſtinguiſhed, as well by cordial obedience and attachment to legitimate authority, as by valour in the field; and great praise is due, on the same score, to the Army of Bombay. The Military Regulations of 1796 extended their benefits to the three Presidencies, and with comparatively greater advantages to the two subordinate ones; but the officers of Fort St. George, when in the enjoyment of these, took encouragement from former concession, in framing new pretensions, such as had never before been heard of.

* General Macdowall's Letter to the Governor, of 16 May 1808, and the writings of the Officers in reference to this subject.

In forming such pretensions and pursuing them, they acted under the influence, and by the support of *combination*. It is the nature of this principle, when resorted to by an Army, to obtain concessions from the Government; to place the former in some degree of opposition to the latter, and to weaken the sentiment of respect and subordination. Such combination is hardly known in the Armies of Europe, and would be inſtantly put down on its firſt appearance. It has also been repeatedly forbidden in our Indian Armies, but the prohibition has not always been duly enforced abroad, as it might easily and successfully have been.

From this fact, connected with the other circumstances already mentioned, it might be inferred that the discipline of the Madras Army had become relaxed; but we are not left to uncertainty in this matter, and it is material to ſhow, from authentic records, that a considerable time before Sir George Barlow's accession to the Government, (which was on the 24th Dec. 1807,) and before the commence-

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ment of the late retrenchments, there appeared among the Madras officers, symptoms, more or less general, of a spirit of insubordination, which must indisputably be reckoned a predisposing cause to future excesses. In the Fort St. George Military Letter of the 6th March 1807, we find the following passage:

"Para. 429. We reported in our last letter, the proceedings which had taken "place in consequence of an unfounded complaint from the officer command- "ing the subsidiary force at Travancore, with regard to the inconveniences to "which the officers and troops of that force were described to be subjected by "the discontinuance of the field allowances, the payment of which had been "ordered to cease."

"430. On full inquiry, the conduct of Lieutenant Colonel Grant, the Com- "manding Officer, appeared so reprehensible, from his having given his earnest "support to representations which it had been established had no just founda- "tion, that we considered it proper to express in General Orders our disapproba- "tion of the mode of proceeding which that officer had adopted, and in which he "appeared to have shown himself not less forgetful of his duty to the Government, "than of his own character."

The Fort St. George Military Letter of 21st October 1807, contains a great deal on the same subject; and from it several extracts shall here be presented:

"Para. 467. We are concerned to state, that repeated instances of improper "conduct on the part of Captain Boardman of the 18th regiment of native "infantry, in his communications with the Civil Magistrate at Chittoor, as will "more fully appear on the records of the Judicial Department, have induced "us to direct that he shall be removed from the command of that station, as we "had in vain endeavoured to satisfy him of the necessity of regulating his con- "duct, in the exercise of his command, with more discretion and temper."

"468. We have also been under the necessity of directing that Lieutenant "Brown, of the 14th regiment native infantry, should be dismissed from the "command of Onore, in consequence of his disrespectful conduct towards the "Civil Magistrate of that place, whom he appears to have impeded in the exe- "cution of a useful work, without authority or any necessity."

"469. We are concerned to bring to the notice of your honourable Court, "a very unfavourable report of the state of the 8th regiment of native ca- "valry, which was submitted to us by the Commander in Chief at our Con- "sultation of the 10th July. We entirely concurred with his Excellency in the "necessity of using effectual means to restore a due sense of subordination "among the officers of that corps. In pursuance of that opinion, we removed "Lieutenant A. Macleod from the appointment of Quarter-master of the 8th "regiment."

"583. We feel considerable concern in soliciting the particular attention of "your honourable Court, to a Memorial which has been addressed to the Su- "preme Government, by the Honourable Lieutenant Colonel Sentleger, an offi- "cer belonging to the native cavalry of this establishment, and also to the "Minutes which have been recorded by Lord William Bentinck, and by the "Commander in Chief, in explanation of the grounds of complaint exhibited in "that Memorial."

"584. It will be observed in those papers, that a Memorial was addressed "to this Government, by the Honourable Lieutenant Colonel Sentleger, at a very "early period after his late return to India, stating his pretensions to the ap- "pointment of Inspector of Cavalry on this establishment, in preference to those "of Lieutenant Colonel Gillespie, who was selected for that station, from the "opinion which was entertained of his qualifications for the performance of its "duties, and as a recompence for the signal service rendered by that officer to "his country at the momentous crisis of the mutiny at Vellore. Without in- "tending any disparagement to the Honourable Lieutenant Colonel Sentleger, "it did not appear to us that his claims were sufficient to invalidate the circum- "stances under which Lieutenant Colonel Gillespie had, by an achievement of "the highest importance, recommended himself to the public attention; and we "were not prepared to yield to the improper, not to say indecent, precipitancy "of Lieutenant Colonel Sentleger, who had then scarcely landed on his return

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"from England, by depriving Lieutenant Colonel Gillespie of those honours "which had been conferred upon him."

"585. In the Memorial addressed to the Supreme Government, the Ho- "nourable Lieutenant Colonel Sentleger deemed himself at liberty to take a "more extensive range of alleged grievance; and, after slightly adverting to "the particular object which had formed the ground of his Memorial to this "Government, *that officer placed himself in the character of a defender of the "general intereſts of the Company's Army*, without any apparent authority from "the officers whose particular cause he pretended to support."

"587. We consider the agitation of such subjects to be attended with great "delicacy, and we feel particular regret that they ſhould at this moment have "been forced upon our attention, or on that of the Supreme Government, as "*there can be no mode more effectually calculated for the revival of the unhappy "feuds by which this part of the Britiſh dominions was so long diſtracted and en- "dangered.* As, however, the Honourable Lieutenant Colonel Sentleger judged "it proper to appeal to the authority of the Supreme Government, we have "thought it necessary that the appeal ſhould not be unaccompanied by such do- "cuments as would evince the fallacy of the grounds on which that officer had "intruded himself on the public notice, *as well as the dangerous tendency of the "discussion which he had been eager to promote.* With regard to the disrespect- "ful and injurious terms, as affecting this Government, in which the appeal of "Lieutenant Colonel Sentleger was conveyed, we informed the Governor Gene- "ral in Council, that we ſhould offer no comment, being satisfied of the dispo- "sition of His Lordſhip in Council to afford to our authority that degree of sup- "port which is necessary for the suppression of insult."

"588. We ſhall only add, that though *impressed with the ſtrongeſt sense of "the dangerous tendency of the inflammatory and factious proceedings pursued by "the Honourable Lieutenant Colonel Sentleger*, we have, for the present, adopted "no further ſtep than the measure of directing that officer to leave the Presi- "dency, and to join his regiment."

"589. We are concerned to have occasion to draw your attention to a "further circumſtance, which though not of the same offensive nature as that "which occurred in respect to Lieutenant Colonel Sentleger, was sufficient to "call for our strong disapprobation. We allude to a very disreſpectful applica- "tion which was addressed to us by Lieutenant Colonel Alexander Cuppage, of "the native infantry, stating his requeſt to be permitted to proceed to England, "and assigning as his motive, certain supposed grievances which he considered "himself to have suffered, and particularly the 'being turned out of the com- "mand of Nundydroog.'"

"593. The whole circumſtances of Colonel A. Cuppage's conduct having "been fully explained in the Minutes of Lord William Bentinck and the Com- "mander in Chief, to which we refer you, we considered the disreſpectful tenor "of his address to be so unqualified and unprovoked, as to merit the expression "of our ſtrongeſt disapprobation. We accordingly recorded these sentiments, "and decided againſt taking into consideration the application of Colonel "Cuppage, for leave to proceed to Europe, until it ſhould be submitted in more "respectful terms."

"731. We have already ſtated, *that a very dangerous spirit of cabal has ſhewn "itself among several officers in your Army. This feeling has been greatly in- "flamed by the impunity with which the Honourable Lieutenant Colonel Sentleger "has been hitherto enabled to brave and insult the authority of this Government:* "for it is with concern that we observe, in addition to the explanation which we "have already given regarding the conduct of that officer, *that every means "of the moſt public nature have been taken, at some of the principal military "ſtations, to hold up Lieutenant Colonel Sentleger as the champion of the rights "of the Company's Army, and as one whose example calls for general imitation.*"

"732. We ſhould think it necessary to apologize to your honourable Court, "for so particularly addressing you on a subject in itself obscure and unim- "portant, *were we not ſtrongly impressed with the necessity of discouraging, by "every means, such factious proceedings as generally lead to consequences of dan- "gerous extremity.* This is a discussion in which we can have no personal in- "tereſt, as the diſtinguiſhed personages chiefly concerned in its origin, do not "now form a part of our Councils; and we may claim the merit of sincerity in

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"conveying to your Honourable Court our earneſt opinion, that the conduct of "Lieutenant Colonel Cuppage calls for your marked disapprobation, and that "*any encouragement of the groundless pretensions of that officer, may be fatal to "the discipline and intereſts of your Army.*"

The information contained in the passages now quoted, is decisive as to the exiſtence of a spirit of insubordination and cabal, and of the doctrine of the Rights of the Army, long before Sir G. Barlow was even known to be the intended successor to the Government of Madras, or the business of retrenchment came into operation. But what is deserving of peculiar attention is, that this letter was written in the ſhort period in which Mr. Petrie was Governor, and signed by him. It is to be taken as his dispatch, and it eſtabliſhes the insubordinate ſtate of the Army till within two months of the accession of Sir G. Barlow. It is remarkable also, that Mr. Petrie intimates neither in that letter, nor in the consultations any general measure to be in contemplation for repressing the dangerous temper of the Army; nor do the records, during the remainder of his ſhort adminiſtration give any indication of a favourable change in that temper. On the contrary, it is found, from the papers transmitted in the Secret Department, with Lord Minto's letter of 5th February 1810, which contain some very ſtriking traits, that, as early as the month of July 1807, a proposal had been ſtarted among the officers, to apply for Bengal allowances; and, in April 1808 at furtheſt, four months only after Sir G. Barlow's arrival at Madras, and *before the orders for the abolition of the Tent Contract were issued*, an Address to the Governor General was circulated in the Army, for signatures; the object of which was to solicit, that, with respect to allowances, "the military eſtabliſhment of Fort "St. George might be put on a similar footing to that of Bengal." These are the words of General Macdowall, in a letter to Sir C. Barlow, dated the 16th May 1808; from which it appears, that the *Army* had *recently agitated* the queſtion, of the comparative state of the Bengal and the Coaſt allowances, and that the Address *had then been circulated*:—points which, on account of the great diſtance of various corps from each other, could not have been effected in a very ſhort time. The same letter from General Macdowall contains other passages important and conclusive as to the present point of inquiry. "*It will "demand,*" says he, "*the moſt serious deliberation, to effectually check the spirit "of remonſtrance, which perhaps extends further than we are aware of.*"---- "*My judgment and experience lead me to believe, that the seeds of discontent are "very widely disseminated; and almost every individual in the service is more or "less dissatisfied.*" The *firſt* cause to which he ascribes this ſtate of the Army is, "*the abolition of the Bazar fund;*" which (without inquiring now whether he is right or not in assigning this as the *firſt* cause) certainly took place long before the time of Sir G. Barlow, and has not exiſted in Bengal since the Regulations of 1796. He says also, that the abrogation of the Tent Contract is one of the prominent causes of discontent.

The only thing we have been able to trace on the records, which seems not perfectly to accord with this representation, is a passage in Mr. Petrie's Minute, dated the 8th September 1809, in answer to Sir G. Barlow's. "When absent from the Presidency," says he, "in the month of June laſt year, *I firſt heard of considerable discontents in the Army.*" From this it might be underſtood, that he knew of no discontents before that time; and hence that he meant to imply, they originated after Sir G. Barlow came to the government. But the extracts already quoted, particularly paragraphs 587 and 731 of Mr. Petrie's public letter of 21ſt October 1807, the letter from General Macdowall to the Governor, and the combination of the officers to obtain Bengal allowances, all militate againſt such a proposition.

It is therefore eſtabliſhed upon incontrovertible authority, the evidence of the Government of Madras, Mr. Petrie being then Governor, and of General Macdowall, Commander in Chief, not to refer again to other corroborating circumſtances, that, before and at the accession of Sir G. Barlow to the government, there exiſted in the Madras Army a dangerous spirit of insubordination and cabal, which, in a few months after that accession, "the seeds of discontent being "then very widely disseminated," exerted itself openly; not at firſt in opposition to any measure adopted in his time, or to the retrenchments projected before his arrival, but to obtain an *augmentation*, or what the officers conceived to be such;

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that is to say, the same allowances in all things as the Bengal Army received.

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The opinion given by Lord Minto on this subject in his letter, lately arrived, of the 5th February 1810, written from Madras after deliberate reflection, is too important and of too high authority to be overlooked. "The discontents," says his Lordſhip, "of the Coaſt Army, have prevailed with so little interruption "and with so much continuity, beginning, for the sake of brevity, no higher "than with General Stuart's command, and proceeding through that of Sir John "Cradock to the *present hour*, that it is difficult to fix a diſtinct period for the "events in which we are immediately concerned, or to separate the present "from the paſt." It is doubtless very satisfactory to us, to find the views we have entertained upon this subject corroborated and improved by the convincing exposition which his Lordſhip's information respecting it has enabled him to give. But we muſt desire it to be distinctly underſtood, that the plan and subſtance of what the preceding pages contain, relating to the *remoter causes* of the discontents in the Madras Army, (even to the use of that expression) were determined upon long before the arrival of Lord Minto's letter, of which we had no expectation; and that the general coincidence, which appears between his sentiments and ours, arises from the separate reflections of each party.

The eſtabliſhment of the exiſtence of insubordination and discontent in the Madras army before and at the period of Sir G. Barlow's entrance on the government, and the progress of those tempers for several months afterwards, not on the score of any thing he had done, but on grounds taken up long before his time, we deem to be a point of great importance, and we requeſt particular attention to it.

The account given in the Dissents of the state of the Army at the time of Sir G. Barlow's accession to the government.

Let us now turn to the account which some of the Dissents before us give of this subject.

"When Mr. Petrie," says one, * "delivered over the government to Sir "G. Barlow, it cannot be denied that he left him *an Army not surpassed in dis-* "*cipline, obedience, submission*, or in attachment to their country, by any troops "in the Britiſh service. During the former," (the Government of Mr. Petrie) says another,† "though the Tent Contract had been aboliſhed under the previous "government of Lord W. Bentinck, of which Mr. Petrie was a Member"—(not *abolished*, only PROPOSED to be; the *actual* abolition did not take place till Sir G. Barlow's time)—"the *Army was patient*." A third says, "that the abolition "of the Tent Contract, and other savings from the Army, were well known to the "officers, months before the arrival of Sir. G. Barlow, *without producing any* "*visible discontent among them*‡. "I muſt impute," says the same Dissent, "to "the violent and arbitrary measures of the Government" (Sir G. Barlow's) "*all the dissatisfaction* and unfortunate events that have taken place at Madras§." And in general all the Dissents are totally silent as to any exiſting dissatisfaction before the government of Sir G. Barlow; and those which do not directly ascribe to him the commencement of the evils, seem to set out with tacitly assuming, that no complaint was heard of till his time.

* Dissent of Sir F. Baring and Sir H. Inglis, 24 April 1810.

† Dissent of Mr. Pattiſon, 24 April 1810.

‡ See Genl Macdowall's Letter of 16 May 1808, which affirms just the contrary.

§ Mr. Elphinstone's Dissent, 15 October 1809.

After what has been already said, we need hardly observe, that all such representations or views are in direct contradiction to the records, which, according to Mr. Elphinſtone, are our only authentic source of information: and thus Sir G. Barlow is condemned, not only without due evidence, but againſt it. Such ſtatements may, perhaps, be advanced in the anonymous publications, of which many have issued from the press, relative to the late disputes at Madras. It is to be expected, that in such disputes, where numerous individuals, having a deep personal intereſt at ſtake, are engaged in opposition to a public officer, or to a Government, the assailants will be many and active; that they will endeavour to impress the Public with their own views of their case, and the one which they oppose; and it would be wonderful if their passions and interests ſhould not mix in their representations. But such representations, without proof or authority, can be no materials for Judges to act upon. There is, indeed, one publication which may be thought of a different character, entitled, "*A Statement of Facts,* "*by William Petrie, Esq.*" Of that publication it is proper to remark, that it comes to the Engliſh Public without any such voucher as, in the absence of the reputed author, it ought to have, *of its being* his production, and sent to the press by

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by his own authority. It falls, therefore, under that description of unauthenticated information which Mr. Elphinſtone calls "*ex parte* evidence, that ſhould "never be implicitly believed or acted on;" and, as a document, independent of its matter, it is liable to this further objection, that it is not only no record in the Company's Consultations, but purports to have been a private communication to Lord Minto, and does not appear to have been at all communicated to Sir G. Barlow, as it ſhould have been, before it was used as an appeal againſt him any where else, even to the Governor General. We think, however, it bears internal evidence of being the work of Mr. Petrie; and, from its whole ſubſtance and its dates, to have been the original from which his Minute, already quoted, was formed, with the omission of those parts which moſt ſtrongly reflect on Sir G. Barlow, on whom, and on whose measures it now comes forth, under the title of a Statement *delivered* to Lord Minto, as a public attack; an attack made in a pending cauſe, far diſtant from, and unknown to the party accuſed, who has thus no opportunity of defending himſelf. But when Mr. Petrie cenſured Sir G. Barlow, in his Minute of the 8th September, drawn from a work which, excepting the concluſion, was compoſed, as appears by its date, in the month of Auguſt, it ſhould ſeem that he ought to have brought forward all he had to charge againſt that public officer, and not to have reſerved the ſevereſt part for the private ear of the Governor General, or for diſſemination among his diſtant friends; more eſpecially as the *Statement* being written partly in the manner of a diary, exhibits the diſmal proſpective pictures drawn from time to time by Mr. Petrie's apprehenſions, which are calculated to make impreſſion on the reader, although when he *delivered* the *Statement* out of his hands, the dangers foreboded in it were at an end, by the complete ſuppreſſion of the rebellion. Certainly, therefore, it ſhould have no reception prejudicial to Sir G. Barlow, though it is to be feared the caſe is very much otherwiſe; but it may be received as Mr. Petrie's own account of his principles, opinions and conduct, in relation to the ſubjects in queſtion, and as ſuch we ſhall take occaſion to refer to it. With reſpect to the preſent point, it uſes the ſame language as the Minute. "*When at Cuddalore,*" (in June) "*I heard of conſiderable diſcontents in the* "*Army*;" but it goes more plainly to place the riſe of theſe diſcontents *after* the acceſſion of Sir G. Barlow, without, however, any preciſe affirmation on that head, and without a ſhadow of evidence that no diſcontents prevailed before. Indeed the paper would ſhow Mr. Petrie to have been ill informed of the ſtate of the military mind. "Although," ſays he, "the projected reductions were "ſeverely felt" (by General Macdowall and the principal officers to whom he, when Governor, explained them) "*I muſt, in truth and juſtice, declare, that there* "*was not a ſentiment expreſſed incompatible with the ſtricteſt principles of mili-* "*tary duty and ſubordination.*" That individual officers *might not choose to express to the Governor* any ſentiment incompatible with military duty, is very conceivable; but that the great body of the officers, ſo far from really acquieſcing in the new retrenchments, as their duty required, were at that very time diſcontented on account of the old, and cheriſhing ſchemes of obtaining by combination new conceſſions, is very evident, from all the authorities already adduced, eſpecially from General Macdowall's letter to the Governor, in which he not only tells him of "deep-rooted, widely diſſeminated diſcontents," at a time when Sir G. Barlow had originated no one public act towards the Army, at which in all their ſubſequent violences they have expreſſed offence, but plainly ſhows, that he himſelf ſympathized in their feelings and opinions. Mr. Petrie's *Statement*, moreover, was written ſixteen months poſterior to General Macdowall's letter, when the ſtanding diſcontents of the officers, for alledged old grievances, had fully developed themſelves; and the hollow phraſeology which, ſo long after, would imply, from the circumſtance of individual officers not expreſſing to him "any ſentiment incompatible with the principles of military "ſubordination," that the Army in general dutifully ſubmitted to the new retrenchments, is plainly moſt unſatisfactory.

State of the Army when Sir G. Barlow came to the government.

When, then, Sir G. Barlow came to the government, there was a formed ſpirit of diſcontent in the Army. Only two months before, his predeceſſor, Mr. Petrie himſelf, had publicly ſtated, "that a *ſpirit of inſubordination and cabal had ſhown* "*itſelf*, which muſt be dangerous to all armies, and *might lead to conſequences of* "*the moſt fatal nature, that every means of the moſt public nature had been taken*

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"*at some of the principal military ſtations*, to hold up Lieutenant Colonel Sent-"leger as the *champion of the rights of the Company's Army*, and as one *whose* "*example called for general imitation.*" The officers were diſſatisfied on the score of former retrenchments, (although certain compensations for them had been determined) and of recent or projected reforms; they aimed at new conceſſions; they acted by combination; the ſentiments of the Commander in Chief were favourable to their views and pretenſions, and he was himſelf an avowed malcontent. Candour will not refuſe to admit that Sir G. Barlow was placed in a difficult ſituation; and it will be no departure from impartiality, to inquire what line of conduct he ought to have propoſed to himſelf, when he became ſenſible, as he could not fail ſoon to be, of the embarraſſments he had to encounter. Should he have inclined to gratify the officers, by reſtoring the Bazar fund, aboliſhed on the moſt inconteſtible principles of ſound policy, or by ſtopping the progreſs of the new retrenchments, common to all the Preſidencies, and enjoined, not only by the Supreme Government of India, but alſo by the controlling authorities at home, under the moſt imperious neceſſity, for the ſafety of the Company? or ſhould he have countenanced new and before unheard-of pretenſions? Should he have encouraged the ſpirit of combination, of which he himſelf had formerly ſeen the dangerous effects, and which Mr. Petrie had ſo recently pointed out and denounced? Probably no perſon unconnected with the Madras Army, will venture to reply to any one of theſe queſtions in the affirmative. All who duly regard the intereſts of the Company will be ready to maintain, that he could not propoſe to ſtop ſhort in the neceſſary work of general retrenchment, which was going on all over India; and that, at the moment when ſuch retrenchment was indiſpenſable, it was impoſſible for him to lend himſelf to new conceſſions. It is then fair to look again at the ſituation in which he ſtood, and at the views, the temper, the combination of the Army. Was it poſſible to *conciliate* them to what muſt neceſſarily be done? It is reaſonable to aſk this queſtion, but not to aſſume the affirmative. No doubt a Government ought at all times, and eſpecially in times of difficulty, to cheriſh a conciliating ſpirit; and we ſhall hereafter examine whether this was done in the preſent caſe; nay, we ſhall allow it here to be ſuppoſed, for the ſake of argument, that the Government may have been deficient in this reſpect; but ſtill, more is not to be expected from this quality than it is calculated to produce. And it muſt have been a very extraordinary talent of perſuaſion, a faſcinating aſcendancy, that could have induced a very numerous body, with the majority of whom the Government could have little perſonal intercourſe, among whom popularity was gained by contending for the *rights of the Army*; a body who were influenced much leſs by individuals, even of the military claſs, than by an *eſprit du corps*, and who ſtrongly relied on the ſucceſs of combination; to ſet aſide their long-indulged prejudices and wiſhes, their intereſts and opinions, without any ſubſtantial compenſation, unleſs in the principle of public duty. For a Governor had no compenſations of intereſt to offer them, and he could not honeſtly hold out expectations not likely to be gratified; nor could he, without ſacrificing the requiſite dignity of his ſtation, attempt to gain them by unbecoming flatteries and ſubmiſſions; neither, indeed, was this method likely to ſucceed. In ſhort, the extreme difficulty of perſuading a large body of military men, ſo circumſtanced, to give up their favourite objects and paſſions, muſt be admitted, and the practicability of it to be incapable of proof, except by example; an example which the Indian hiſtory has not yet afforded. The continuance, and even the growth of that ſpirit which had long prevailed in the Army, was therefore to be expected; and it is ſubſequent to the time Sir G. Barlow thus ſet out in the government, that we are to look for the more proximate cauſes of the ſedition and revolt to which the officers afterwards advanced.

Inquiry into the means of conciliation then in his power.

Proximate cauſes of the revolt.

State of matters between Government and the Army in the following year, 1808.

From the period of Sir G. Barlow's acceſſion in December 1807, till towards the cloſe of the following year, there does not appear to have been any one act of his Government at which the Army could have even a pretence for taking umbrage, or which they have, in point of fact, ever made an article of complaint.

The confirmation, indeed, by the ſupreme Government, of thoſe retrenchments which Lord William Bentinck and Sir John Cradock had propoſed, and of which Mr. Petrie, when in the government, had on record ſtrongly expreſſed his approbation,

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bation, arrived early in 1808; and Sir G. Barlow performed only an unavoidable duty in proceeding to carry them into execution. But in doing this, inſtead of adding to them, he relaxed in favour of the Army some of the regulations enjoined by the Governor-General in Council, to the acknowledged satisfaction of General Macdowall, who profeſſed to think that the Army also had cause to be satisfied. Mr. Petrie's ſtatement says, that the unpopularity of the measure of abrogating the Tent contract, was reported to him to have been greatly increased *by the manner in which it was given out in General Orders. He might have referred to the General Order, before he had conveyed to his reader this idea of it.* Happily the Order is in the India House. It proves to be a plain inoffenſive paper, written in the ordinary official ſtyle, and *adopted by Government on the recommendation of the Commander in Chief,* (General Macdowall).

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But in this period, the conduct of General Macdowall himself, as it ſtands authenticated by public records, is marked by a moſt pernicious activity, and demands the moſt particular attention. At the time of his appointment to the chief command of the Fort St. George Army, the Court of Directors were nearly unanimous, on general grounds which have never yet been invalidated, though since overruled, in resolving that the Commanders in Chief at the subordinate Presidencies ſhould not have a seat in Council—a point entirely optional with them, and on which *they had formerly exercised their discretion.* General Macdowall was not *deprived* of a seat in Council, as Mr. Petrie has expreſſed it in his *Statement:* he never had a seat, nor any right to one, or to the chief command, unleſs the gratuitous act of the Court had conferred it on him. He accepted the office of Commander in Chief, without a seat in Council, and was therefore bound by his honour and his oath to fulfil the duties of that office. But he entered upon it with feelings of indignant discontent, which he was at no pains to conceal, intimating, perhaps with some hope the arrangement might not be final, that he would return to Europe rather than let the office be, what he termed, degraded in his person; and for a time maintained the appearance of some good underſtanding with the Government. But as the ſhipping season drew nearer, without any indication of a change in respect to him, and before, indeed, there was time for such a change, had it been intended, he began more openly to vent his reſentments in expreſſions of disreſpect towards the executive body of the Company, and the local Government, before even any thing had occurred in India which could furniſh him with a pretext. He eſpoused the views of the Army, and became the champion of their rights, and imbued them with his perſonal reſentments; he joined factions with which neither he nor the Army had the leaſt concern—factions raised in the civil community, and moſt unjuſtly, in our opinion, againſt Sir G. Barlow; using the influence of his office and the popularity he thus acquired, to harass and degrade the Government, and proceeding wantonly from one act of violence to another, ſtill on the side of Army feelings, or in support of the pretended rights of the Commander in Chief, which the Army had been brought to incorporate with their own, until the seeds of alienation and sedition were widely sown, and the officers were left by him in a ſtate of ferment and disaffection, which, excited yet further by the criminal activity of his friends after his departure, and by new circumſtances, carried them from one ſtage to another, until the whole ended in open insubordination and revolt.

Conduct of General Macdowall.

The hiſtory of General Macdowall's proceedings, which bears out the facts here ſtated concerning him, is so fully exhibited in the records transmitted by the Fort St. George Government, in the comments of the Court of Directors upon those proceedings, and in the very clear and convincing detail which Lord Minto has given in his letter of 5th February 1810, that it is unnecessary to go minutely into it here; but some circumſtances sufficient to support what has been now advanced it may be proper to notice.

In the month of May 1808, General Macdowall, of his own motion, addreſſed to Sir G. Barlow the letter already mentioned, which, being on the records, needs not be transcribed here. It is more remarkable for its tenour than its profeſſed object; because, at a time when it is now known he was united in sentiments with the Army, as well as discontented with the Government, he communicated, in the forms of confidence, to Sir G. Barlow, that an address was preparing from the officers to the Governor-General for Bengal allowances, which proceeding he

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knew to be contrary to eſtabliſhed rules. But, having done this, he goes on immediately to express in forcible language the discontents of the Army, and his own,—the difficulty of checking the spirit of remonſtrance, "*which*," says he, "perhaps extends further than *we are aware of*;" and he notices "the many points "*which the Army had formerly gained by representation, as naturally leading them* "to expect *relief*:" he also alludes to the "convulsions" in the Bengal Army, of which Sir G. Barlow had been a witness. And then, coming to the oſtenſible object of the letter, namely, to consult how and when the proceeding ought to be opposed, he says, "Nothing can be more simple than the publiſhing an Order," (that is, by Government) "*highly diſapproving the nature and tendency of the Memorial to* "*Lord Minto, and ſtating, that any officer who ſhall encourage ſimilar remonſtrances,* "*ſhall incur the ſevereſt diſpleaſure of Government.* Will this *have the deſired* "*effect?* It will be very easy for me to decline transmitting the address, and "to express my own sentiments: *but will this mode be correct?*"

It muſt be owned, the Commander in Chief here presents a picture well fitted to alarm, without proposing any thing that might ſtrengthen the hands of Government. On the contrary, he queſtions the propriety of his own interference, and whilſt he suggeſts a General Order of Government, *severe in its terms*, as an obvious expedient, he intimates a doubt of its efficacy. A timid mind might easily have been ſhaken by such a representation from such a quarter. But the answer given by Sir G. Barlow* opposed irrefragable arguments againſt the design on foot, and General Macdowall, in consequence, "made corresponding commu- "nications to the officers commanding the principal military ſtations, requiring "them to adopt the moſt effectual measures for ſtopping such proceedings." †

* See the import of it in paragraph 33, Fort St. George Military Letter, 29 Jan^{y} 1809.

† D^{o} - D^{o}.

The circular letter of General Macdowall, on this occasion, points out in forcible terms the exceptionable nature of the intended Memorial, as militating againſt eſtabliſhed Orders, and as calculated to excite a spirit of discontent and insubordination in the Army, whence it would be the duty of the Commander in Chief, ſhould he eventually be obliged publicly to consider the Memorial, to bring to puniſhment those who might have been moſt active in supporting it.‡ Could it have been conceived that, at the very time he was thus in appearance acting in concert with Government, for the suppression of this prohibited, culpable and dangerous proceeding, he was really co-operating with the insubordinate spirit of the Army he commanded, and counteracting his own circular letter? The fact is now eſtabliſhed. Something of this nature seems to have been early hinted at by the Government of Fort St. George ‖; but formal proof was then wanting. The Court, however, have since been assured, on evidence which has received Lord Minto's confirmation §, that, at the very period General Macdowall was circulating the letter in queſtion, "he was acquainting the "officers, in personal and convivial communications, that his circular letters were "merely official, written at the requisition of Government, but not expressing "his own sentiments; and that he wiſhed them success in their pursuit." And Lord Minto further intimates, that General Macdowall's letter to the Governor, of the 16th May 1808, containing an enumeration of military grievances, and a significant reference to the successful ſtruggles of the Bengal Army in 1796 againſt the Government—an enumeration, says his Lordſhip very juſtly, "which "if addressed in the same language to any other quarter, was calculated not to "repress a particular act of insubordination, but to excite a general mutiny"—had been communicated by General Macdowall to other men. Let it be remembered, that at this time General Macdowall had not pretended to have received any personal injury or offence from Sir G. Barlow; and that he maintained with the Governor, as appears from the letter in queſtion, the forms of confidential intercourse. In the month of May, General Macdowall set out on a tour to the different ſtations of the army, and seems to have been little at the Presidency till towards the autumn, soon after which he went again into the Northern Circars. The records of the Madras Government, during this period, do not, as far as we have discovered, contain any material information relative to the temper of the Commander in Chief; and but little concerning the Army. It would appear, from letters of the Government written afterwards to General Macdowall, that they were ſtudious to avoid controversy ¶ with him; and his letters to them, on the other hand, indicate no backwardness to express his feelings. A desire naturally arises, to know what was passing in that period,

‡ See alſo Lord Minto's Letter, 5 February 1810, para. 16.

‖ Military Letter, 29 January 1809, para. 34.

§ Letter of 5 February 1810, para. 16.

¶ Military General Letter, 29 January 1809, and the marginal references.

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from May to December. Lord Minto's letter of the 5th February 1810, affords some light into this matter. He ſtates it as "a fact, too positively asserted and "too generally known at Madras, to leave the ſhadow of a doubt upon his mind, "that General Macdowall's converſation at his own table, uniformly conveyed "to the officers of the army he commanded, sentiments hoſtile to the Govern- "ment he served; and clothed in language disreſpectful and contemptuous." His Lordſhip says, in reference to this ſtatement, that specific inſtances have been related to him, by persons entitled to implicit faith, who were themselves witnesses of what they reported; "and that, on this general point of conduct, "the accordant assurances, given in confidence, of those whose means and "knowledge have been such, and whose personal credit is, in his judgment, so "much beyond queſtion, that he can neither reſiſt a personal conviction, nor "think himself at liberty to withhold the expression of his belief, that the con- "duct of Lieutenant-General Macdowall was certainly such as it has been above "described."

His Lordſhip next adduces, to the same effect, a clear and solemn act done openly by General Macdowall, namely, his address to the Commandant of the European regiment at Masulipatam (that regiment afterwards so conspicuous in the revolt), when reviewed by the General on the 24th December 1808. This Address, having been printed in a periodical publication at Madras, whilſt General Macdowall was on the spot, may certainly be regarded as authentic. It is already known here, but contains expressions so remarkable, in reference to the present point, as to deserve special attention. "It was my particular wiſh to "see those (regiments) in the Northern Circars, and particularly the Madras "European Regiment. From many circumſtances, *this regiment has, in a* "*measure, been overlooked, indeed I may say, neglected. Placed in a corner of* "*this extensive country, it has seldom had its practice with the other corps of the* "*Army.* Notwithſtanding these circumſtances, from my knowledge of your "zeal and ability, Colonel Taylor, I was confident I ſhould find this corps in "the high ſtate of discipline it has this morning evinced; and it ſhall be my "business, as much as lies in my power, to let the service benefit from this ſtate "of discipline, by calling it into more general notice; for I know that this ſtate "of inactivity muſt be painful to the feelings of honourable gentlemen and "officers, and painful to the feelings of brave soldiers. *Indeed I am at a loss to* "*know the reason of this neglect.* This regiment has always been forward for its "courage and loyalty: you are composed of the same materials as the other "European corps in the service, and I am sure that the same brave and generous "spirit actuates you."—"This Address," says Lord Minto, "requires no com- "ment; and I ſhall only observe, that it is adduced as one example of the means "employed habitually by Lieutenant General Macdowall to foment discontent "in the Army, and to exalt his own popularity with that body, at the expence of "the moſt obvious duties of his ſtation, and intereſts of the public. It affords "also a very clear specimen of the practices imputed to him on the tour he was "then making to the several ſtations of the Army."

The view with which these evidences are brought forward, is thus explained by the Governor General: "The *deliberate intention* of Lieutenant General Mac- "dowall to make the Army an inſtrument of opposition and diſturbance to the "Government of Fort St. George, *forms so remarkable a feature, and proved so* "*operative a cause* in the events under review, that I feel the propriety of "eſtabliſhing so material a point, before I enter on the discussion to which they "gave rise."

Of the truth of the fact here illuſtrated, we have long been thoroughly convinced, from the whole tenour of the Madras advices and records; but the Dissents we are called to answer, require us to insist upon it; and it is satisfactory to find it confirmed by new proofs. It was immediately after the return of General Macdowall from the different Army-ſtations, to Madras, in the beginning of January 1809, that the disputes between him and the Government commenced. Till then, let it be again remarked, no public controversy had arisen between the Government and the Commander in Chief, or between the Government and the Army. No act of Sir George Barlow's towards the Army was at this time complained of; not a single inſtance even of uncourteous behaviour on his part

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towards the Commander in Chief is mentioned: whilſt on the other hand, the proneness of that officer, from the beginning, to take offence, is visible.

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At this ſtage, therefore, it may be proper to advert to the account which the Diſſents give of General Macdowall, in the period through which we have been paſſing.

The accounts given, in the Diſſents, of General Macdowall.

Mr. Pattiſon draws the following contraſt: "Although General Macdowall "was not appointed to Council, he was" (that is, during the temporary Government of Mr. Petrie) "*quiet, and to all appearance reſigned.*" "General Mac- "dowall, on the part of the new Government, *meets with ſlights.*" "*Who can* "*avoid tracing the evils which enſued to their real ſource, in Sir George Barlow's* "*harſh and unconciliatory character?*"* "General Macdowall's cordial "ſupport might have been gained by attention, civility and politeness." "At "the head of the Army, *puſhed from one ſtep to another*, he fell at laſt into "error which is unpardonable."† Another gentleman ſeems to aſſign the non-appointment of General Macdowall to a ſeat in Council, as one of the original cauſes of the evils; and he goes on to ſay, "It was but too true that "General Macdowall had been neglected by the Governor on many occaſions. "It had been the general practice of the ſervice, and often directed from the "Court, that the Governor ſhould pay great attention to the recommendation "from the Commander in Chief, upon all military promotions, and conſult with "him upon military ſubjects. All Orders to the Army ought neceſſarily to go "through the Commander in Chief: thoſe neceſſary and wholeſome regulations "*the Governor entirely left out of his ſight; and on many occaſions ſeemed to* "*wiſh to engroſs the power of Governor and Commander in Chief in his own* "*perſon.*"‡

* Mr. Pattiſon's Diſſent, 24 April.

† Diſſent of Sir F. Parking and Sir H. Inglis.

‡ Mr. Elphinſtone's Diſſent 15 October 1809.

Where, we would aſk, are the evidences of theſe comprehenſive charges, or any part of them? The records, through the courſe of a whole year, from December 1807 to December 1808, afford no fact that can be turned to ſuch a purpoſe. Theſe gentlemen have produced no fact. So far was General Macdowall, who did not know till the 3d November 1807, that the Commander in Chief was left out of Council, from being "quiet and reſigned," as Mr. Pattiſon ſays, that he, immediately on receiving that knowledge, applied to General Hewitt for leave to proceed to Europe, Mr. Petrie being then Governor. *His* Government continued only ſeven weeks afterwards, in which little ſpace General Macdowall, then new in the command, had not opportunity to act ſuch a part as he ſubſequently did. At a time when General Macdowall made no complaint of want of attention, of no harſhneſs or unconciliatory conduct on the part of the Governor, and was acting in confidence with him to ſuppreſs inſubordination, he proceeded ſecretly to foment it. Was there any fair "attention or civility" within the Governor's power, which could gain or ſecure ſuch a man? Did any act of the Governor's "*puſh him*," amidſt profeſſed co-operation, to that ſpecies of counteraction which had a deciſive effect on the conduct of the Army? If the influence of Counſellor had been added to that of Commander in Chief, would it certainly have been better employed? Mr. Elphinſtone § quotes one ſolitary caſe, in more aggravated terms than General Macdowall himſelf uſes—the ordering of the Travancore expedition, without previouſly or fully conſulting him. Mr. Pattiſon ‖ uſes the expreſſion of "troops ordered to march without his knowledge," with a double note of aſtoniſhment; as if the bare idea carried in it its own condemnation; as if it had been the cauſe of the evils that enſued; and as if theſe, amongſt the other evils, proceeded from Sir George Barlow's "harſh and uncon- "ciliatory character." This is the only ſpecific complaint of neglect adduced by General Macdowall himſelf. On all the other occaſions of military equipments, during General Macdowall's command, his opinion was taken, and the details committed to him. His complaint on this, is anſwered by the Government in the moſt ſolid and ſatisfactory manner.

§ Diſſent, 15 October 1809.

‖ Diſſent, 24 April 1810.

From reading the two Diſſents juſt quoted, it might be ſuppoſed, that General Macdowall was preſent at Fort St. George, was wantonly paſſed over, and this from harſhneſs and unconciliation in Sir G. Barlow. The fact is proved to be, that General Macdowall was in the Northern Circars, far diſtant from the Preſidency; that inſtant diſpatch was moſt important; the delay of corresponding with

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with the Commander in Chief hazardous to the whole object; and that no temper of Sir G. Barlow's, but the necessity of the public service, induced the immediate commencement of operations, of which, however, at the same moment, full information was sent to the Commander in Chief. When these operations, after being suspended, were resumed, he had returned to the Presidency, but never went near the Governor. The Governor, therefore, could not well have a personal conference with him; but he sent the Chief Secretary, Mr. Buchan, to him, with all the papers and communications respecting Travancore; upon which he gave his sentiments at large, and the officer ultimately placed in command of the expedition, was appointed expressly on his representation. The letters between him and the Government on these subjects,* mark his extreme disrespect (to use no ſtronger term) and their exceeding forbearance. Throughout the year, let it be again observed, this affair of the Travancore expedition, is the only one concerning which he made any specific complaint; a fact from which, in his temper of mind, it may be fairly implied, that he had no other charge to bring forward. With the exception of this diſtorted article, all the charges juſt quoted from the Dissents are *mere assertions*. They are unsupported by proof, indeed opposed by it: they have nothing in them of the nature of argument, and ought therefore to be wholly laid aside in forming a true judgment. General Macdowall appears to have returned to the Presidency from Masulipatam, early in January 1809. He had adopted and inflamed the pretensions and discontents of the Army: he had impregnated them with his own, and with a spirit of disregard and contempt towards the Government. He had determined to embark for Europe, and, as his conduct proves, to keep no measures with the Government; for Lord Minto ſtates,† that "on his return, "he abſtained altogether from any communication with Sir G. Barlow, neglect-"ing, or rather syſtematically refraining from common visits of ceremony, and "withholding the moſt usual observances of exterior respect due to his "station."

* See the Letters of December 1808 and January 1809, on the Travancore expedition.

† Letter, 5 February 1810, para. 24.

Enumeration of the public acts of General Macdowall against the Government—

We approach now to those public official acts of his, which directly attacked the authority of Government, and brought into practical queſtion, its supremacy over the military body; out of which acts sprung the events that immediately preceded the revolt. Under the firſt head may be enumerated:—

The arreſt of Lieutenant Colonel Munro, Quarter-maſter General, in order to be tried for an official opinion delivered by him in 1807, relative to the Tent Contract:

The presentation and warm recommendation by General Macdowall, of a Memorial from the officers of the Army to the Court of Directors, containing a variety of claims, and among others, the right of having the Commander in Chief in Council as their representative:

The censure of Lieutenant Colonel Munro, and virtually of the Government itself, in a General Order addressed to the Army, for his successful appeal to Government, to be delivered from arreſt; and,

The address of General Macdowall to the Army, on his quitting the command of it; in which he arraigns the conduct of the executive body of the Company.

and of the events thence arising.

Under the second head the more important articles are;

The release of Lieutenant Colonel Munro from arreſt, by the Government:

The dismission of Lieutenant General Macdowall, Commander in Chief, and of Lieutenant Colonel Capper and of Major Boles, Adjutant and Deputy Adjutant General, from their respective situations, for circulating the address to the Army, censuring Lieutenant Colonel Munro, and the Government through him:

The Government General Order of the 1ſt May 1809, suspending certain officers, for being concerned in preparing and circulating a seditious memorial or remonſtrance to the Governor General, and a seditious address to Major Boles:

The public acts of the Hydrabad Subsidiary Force, rejecting the compliment paid them by Government on the 1ſt of May, declaring their participation in the sentiments of the disaffected officers, and their intention to separate themselves from the authority of Government, unless the General Order of the 1ſt May was rescinded:

The open revolt of the Garrison of Masulipatam:

The publication by the Hydrabad Force, to the Government and the Army, of what they called their Ultimatum, requiring the revocation of the General Order

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of 1st May; the restoration of all officers who had been removed; and an amnesty for the whole Army:

The open rebellion of the troops at Hydrabad and Seringapatam:

The establishment of an organized system of combination throughout the greatest part of the Company's Madras Army, for subverting the authority of Government by force of arms; and,

The requisition by Government, on the 26th July, of a test of loyalty from the officers, in order to discriminate the enemies of Government from the well affected.

How these subjects have been considered by the Court—

Military Letters from Fort St. George, 29 Jan. 1809; 31 D°; 3 Feb.; 28 D°: 13 May; 6 Sept.; 10 D'.

Letters from the Supreme Government to Fort St. George, 20 Feb. 1809; 27 May.

Governor General's Letters, 25 April 1809; 15 Sept.; 12 Oct.

Military Letters to Fort St. George, 15 Sept. 1809; 29 D°; 7 Feb. 1810; 1 May.

It is not our intention to enter particularly into the history, or the merits of these various transactions. This is already done in the Indian dispatches and consultations received from the Presidency of Fort St. George, from the Supreme Government, and from the Governor General; and in the answers sent to those dispatches by the Court of Directors, with the sanction of the Board of Commissioners, acting, as no doubt they did in so momentous a case, with the approbation of His Majesty's Government. We have from conviction and from duty approved and supported the principles, the reasonings, the decisions contained in those answers, from the authority which is supreme in the Government of India, upon all the matters in dispute between General Macdowall and the Madras officers on the one hand, and the Governments of Fort St. George and Bengal on the other, and also upon the conduct of those several parties. The arguments and the evidences on which the Court have founded their decisions, we have a right to consider as valid, until they are refuted or are overpowered by other arguments and evidences. But we presume to say, that this is not done in the Dissents before us, in respect to the causes which produced the revolt, and to the conduct of the parties concerned; neither does this method appear to be proposed in them. They do not discuss the arguments and reasonings of the Court; they do not invalidate the evidence on which the Court have proceeded, nor prove that it has been unfairly used; nor do they introduce opposing evidence. They assign certain grounds of dissent, and those grounds, as far as they relate to the causes of revolt, (of which we now speak) are stated very much in the way of *opinions*, which, however strongly they may be delivered, are not entitled to claim the assent of others, unless the premises of facts or principles, on which they are founded, and the conclusions justly deducible from them, are exhibited, and are found to warrant such a claim. Nor will assent be more readily yielded, if the language of passion or declamation is used, and if the opinions are opposed by a great majority of the constituted authorities in England and in India. Such certainly is the case here; therefore the arguments employed by the Court, (of which we were concurring members) we are entitled to have considered as part of this defence, equally as if they were specified in it. And we may likewise claim the benefit of the luminous writings of the Governments of Bengal and Fort St. George, particularly of those noted in the margin, upon the insubordination and revolt of the Madras officers. Writings, many of which, though produced in times of great disorder and peril, are, in our opinion, in reasoning, temper and composition, surpassed by no State Papers on the records of the Company.

and are treated in the Dissents.

Bengal Letter to Fort St. George, 20 Feb. 1809; 27 May.

Governor General to Court of Directors, 25 April 1809; 15 Sept.; 12 Oct.;— 5 Feb. 1810.

F.S.G. Letter to Court, 29 Jan. 1809.
General Order, 6 Feb. —
Letter to Court, 28 D° —
General Order, 1 May —
D° - D°. 12 Aug. —
Gen' Letter to Court, 10 Sept. —

In opposition to the tenour of the voluminous official documents and evidences from India, and the conclusions formed from them by the authorities in this country, it is, we must be allowed to repeat, the main scope of the Dissents to maintain, that all the evils which have occurred in the Madras Army, and especially the revolt, have been wholly, or chiefly, occasioned by the temper and the measures of Sir George Barlow. Although the numerous evidences and arguments to which we have already appealed, leave, as we conceive, no room for the further maintenance of this doctrine, and it is less easy to argue against mere assertions, yet we shall beg leave to offer some remarks upon it. This is certainly the language of many of the guilty officers and their abettors. It is the only plea which it is possible to use for them. It is the plea by which numbers still hope to procure impunity to themselves, and disgrace to the Government they have opposed. But how carefully and impartially ought all existing evidence to be weighed, before this conclusion is formed! If wrong it treats with the most cruel injustice those, who, by their wisdom and their fortitude, have saved an Empire; it extenuates the criminality of soldiers who have turned their

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their arms againſt their Employers and their Country; it encourages insubordination, and discourages future resiſtance to it.

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Observations on the Opinions given in the Dissents on these subjects.

This proposition seems to assume that the officers were, by the *immediate impulse of provocation*, transported from a settled ſtate of contentment, to a ſtate of insubordination. The error of this proposition has been demonſtrated. The proposition seems also to imply, that a revolt was the greateſt possible evil;—there was, however, in our opinion, a greater possible evil—the timid, weak submission of Government, to Military controul and usurpation. The prevalence of such a power would have subverted the Civil Government, and forced us at length, under accumulated disadvantages, to contend by arms for the reeſtabliſhment of legitimate authority. It seems to be taken for granted in the Dissents, that if any act of Government was made by the officers *an occasion* of insubordination or revolt, that act muſt necessarily have been wrong. But the measure muſt be judged of by all the circumſtances as they appeared at the time. It might have been dictated by duty, or have been unavoidable.

The crisis arrived when the Government had only to make its election between submission to the Army, and conteſt with it. Will it be said that the Government ought to have chosen submission? The Dissents do not affirm this (though something tantamount to it has been said elsewhere;) but they dwell in so unqualified a way upon the evils of harſh measures, and the want of conciliation, as to leave one of two things, or perhaps both, to be inferred, that the authors would have deemed large concessions preferable to the continuance of a conteſt; or think that both concessions and conteſt might have been avoided by a conciliatory spirit and conduct in Sir G. Barlow. As to the firſt point, we conceive it has been proved in the writings already quoted,* and is evident from the nature of things, that concession would, in effect, have been submission. With regard to conciliation, it is a topic upon which a great deal has been said, but said, as we think, without either due proof or explanation. The Dissents, the writings of Mr. Petrie, and all the publications which have appeared in behalf of the officers, are full of this topic. All concur in charging Sir G. Barlow with the want of conciliation, and in maintaining, either that this want occasioned many of the evils which ensued, or, what is much the same, that the exercise of conciliation would have prevented them. Either way *the queſtion is begged*, and what is advanced on this head *resolves itself into matter of opinion.* Where the inquiry is concerning the causes of a moſt momentous event, and the conduct and character of a great public officer, surely more is requisite. The language held respecting *conciliation*, conveys no idea of limit either in the exercise of it or in its efficacy. But are we to suppose the one or the other may be unbounded? Might not an Army be so confederated, and determined to obtain certain objects from the Government, as that no personal courtesy and civility on the part of the Governor could ſoothe and charm them from their purpose? And might not a Governor, with the moſt conciliating disposition, be enforced by his inſtructions and his duty to oppose their demands, even at the hazard of irritating them, and becoming unpopular with them? These points ſhould be weighed and settled before the doctrine of conciliation is applied, especially after the solemn declarations repeatedly made by Sir G. Barlow and the Madras Government. "We observe with concern," say they, † "that the "Commander in Chief has conveyed his sentiments in terms unusual in public "correspondence, and with disrespect to the authority of Government. But we "consider it our duty to abſtain as much as possible from controversial discussion "of this nature; and we truſt that our desire to evince every possible respect for "the ſtation of the Commander in Chief, will be apparent." See also their ſtrong profession to the same effect, on occasion of the arreſt of Lieutenant Colonel Munro. ‡

* The diſpatches from India, and the Answers of the Court.

† General Letter, 31 January 1809.

‡ General Order, 6 February 1809.

Inquiry how conciliation could have been applied in the several cases of diſpute, and brief review of them to that end.

Certainly we ought no longer to be left to vague generalities on this subject, or to unlimited accusations ſtanding not on proofs, but on assertions and conjectures. We wiſh particularly to obtain some definite idea of the manner in which the honourable authors of the Dissents would have had conciliation practically employed in the different queſtions that arose between the Madras Government and the Army, and of the extent to which they think that, under all exiſting circumſtances, it ſhould have been carried, or that Sir G. Barlow, consiſtently with his duty, could have carried it. Let us turn to the commencement of their diſputes, and place ourselves on the scene as it then ſtood. The firſt

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The arreſt of Lieut. Col. Munro by Gen. Macdowall, and his releaſe by Government.

queſtion that aroſe was concerning the arreſt of Lieutenant Colonel Munro, which happened about the 20th January 1809. Until this time, it ſhould be once more remarked, there had been no matter of controverſy between the Army and the Government ſince the accession of Sir G. Barlow; but we have ſeen what the conduct of General Macdowall had been through the laſt half of the preceding year. What he had ſtated in the month of May of that year, to the Governor, was then ſtill more emphatically true, and by his own means,—"that the ſeeds "of diſcontent were very widely diſſeminated;" and that "the ſpirit of remon- "ſtrance extended further" than the Governor was aware of; ſo that the Army, "who," as he ſaid, "had formerly gained ſo many points by repreſentation," were combined to bring forward, under his auſpices and ſtrengthened by his public ſanction and recommendation, not only the one claim which he had before oſten- ſibly diſcouraged, but a variety of claims, and among them a ſeat in Council for "the Repreſentative of the Army." General Macdowall's "deliberate inten- "tion," (to recur to the words of Lord Minto) "to make the Army an inſtru- "ment of oppoſition and diſturbance to the Government," is manifeſted by what he had done, and by the further meaſures he purſued.

The firſt of theſe was the trial of Lieutenant Colonel Munro, who had adviſed the abolition of the Tent Contract; by which trial the Army would be gratified, and the Government affronted and degraded. The caſe is ſtated and diſcuſſed in the Court's letter to Fort St. George, of 15th September 1809. Never was there one more clear, nor a proceeding more plainly factious and inſubordinate. For uſing ſome expreſſions perfectly fair in general reaſoning according to the prin- ciples of human nature, in a confidential opinion which the duty of his office and the injunction of the Commander in Chief required him to give, reſpecting the operation of the Tent Contract, Colonel Munro was a year and a half afterwards arraigned, by a number of officers commanding native corps, of falſe inſinuations injurious to their characters. Sir J. Cradock, the late Commander in Chief, had adopted his opinion; two Governments of Madras preceding Sir G. Barlow's time, and the Supreme Government, approved of it; and his plan of abolition was car- ried into execution. Theſe authorities had made the whole their own meaſure. But, "aided by collateral circumſtances, the adoption of the improved ſyſtem "had excited a great degree of clamour in the Army, and the Quarter-maſter "General was choſen as the object of obloquy." Now it was propoſed by the accuſers and General Macdowall, although the words were evidently within the natural ſcope of official diſcuſſion, and Colonel Munro had diſavowed all inten- tion of reflecting on any individual, that he, a confidential Staff Officer, for an act which the diſcharges of his bounden duty according to his conſcience demanded of him, ſhould be brought to the ignominy of a public trial; and General Mac- dowall, without even apprising the Government, actually put him under arreſt for that purpoſe, although he had been previouſly informed by the Judge Advocate General, his legal adviſer, whoſe opinion he had required, that the charges were of an illegal nature. This was at once to ſtrike at all fidelity in Staff Officers, and to bring the meaſures of Government before a military tribunal for deciſion. The Advocate General alſo, whoſe opinion on the caſe had been required by Government, ſtated that Lieutenant Colonel Munro was entitled to their decided ſupport. The officers themſelves ſtate in a Memorial to the Government, on hearing their proceeding was illegal, that they ſolicited the charge might be *ſuſ- pended*; but General Macdowall has ſaid that he had not ſeen *that Memorial*, when on the 20th January, he directed Lieutenant Colonel Munro to be put under arreſt. The letter, however, of the officers, to the Adjutant General, conveying that Memorial to the Commander in Chief, is dated in December. The Govern- ment uſed all the endeavours they could, to prevent General Macdowall from per- ſiſting. Nevertheleſs he refuſed, with very aggravating circumſtances, to releaſe Lieutenant Colonel Munro. What were the Government to do in this caſe? It may be ſaid, to *conciliate*. "It was the wiſh and endeavour," they affirm, "of "the Governor in Council, to effect this object," (the removal of the arreſt) "by "every means of conciliation and explanation;" but their efforts were fruitleſs. Were they then not only to abandon to perſecution and the ſhame of a public trial, a moſt meritorious and confidential public officer, for the performance of his duty; but to ſubmit their own acts to the judgment of a tribunal of their officers? This was the queſtion they had to decide upon, but not the only queſtion depend- ing. The proceeding was plainly the work of military combination, directed againſt

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againſt the authority and dignity of Government itself, and its ſucceſs would certainly encourage other attacks. They were forced therefore to act here, as in ſeveral following inſtances, in *their own defence*. "We ſhould not," ſay they to "the Court*," in ordinary circumſtances, have adopted a meaſure of this nature; "but we are ſatisfied that a more fatal ſhock to the public authority could not "have been experienced than in permitting the charges which had been preferred "by the Commander in Chief againſt Lieutenant Colonel Munro, to be brought "under the inveſtigation of a Court Martial. This meaſure would have involved "in its immediate effect, under circumſtances of the moſt offenſive nature, the "degradation of the public acts and character of the Government, the annihila-"tion of all confidence on the part of its public officers, and the utter confuſion "of the departments under its authority."

* General Letter, 29 January 1809.

Observations in the Diſſents upon the affairs of Lieut. Col. Munro, and Anſwers to them.

Colonel Bannerman is the only Member of the Court who has maintained that this proceeding of the Government was contrary to law, founding his opinion on the Act of 27th Geo. II. The diſcuſſion between the Colonel and us, of a legal point, would perhaps not entirely ſettle it. But he has not anſwered, and we apprehend will find it impoſſible to anſwer, the following opinion of the Court, on the demand of a *combined number of officers*, for a Court Martial on Colonel Munro. †

† General Militar Letter, 15 Sept. 1809.

"Para. 13. If any officer thought himſelf alluded to or aggrieved by any "thing that Colonel Munro had ſaid, he might eaſily have repelled the ſuppoſed "imputation by demanding that, if he were ſuſpected, he ſhould be brought to "trial upon it. Government would then either have granted a Court Martial, "or would have officially and publicly declared, that no imputation reſted upon "ſuch officer."

"14. Each individual officer would have had an undoubted right to have "demanded ſuch a clearance or trial for himſelf; but an officer in command of "one particular corps cannot, in the nature of things, undertake to anſwer for "the conduct of an officer in command of another corps, far removed, perhaps, "from his poſſible obſervation; much leſs for a whole body of ſuch officers ſo "circumſtanced."

"15. The character of each individual muſt be diſtinct and particular, and "a combination, therefore, of many officers, to repel inſinuations (ſuppoſing "ſuch to have been advanced) againſt unnamed individuals of their body or "claſs, reſpecting whoſe conduct the perſonal knowledge of the Members, "generally, of that body, could not enable them to ſpeak, does not ſeem to be "founded in any principal of equity; nor would it be juſtified by alledging that "general inſinuations againſt the whole body, but pointing to no officer by "name, could not be met in any other manner; for the obvious courſe to be "followed in that caſe would ſtill be, that every individual officer who conceived "his character to be brought into queſtion, ſhould deſire to have his own con-"duct ſeparately inveſtigated."

"16. But we are the more aſtoniſhed at their proceeding, when we conſider "the expreſſions which have been aſſigned as the ground of the charge. "Detached as they have been from their context, they ſtill appear to us to be "couched in the uſual ſtyle of official diſcuſſion; and to be as far from con-"veying any imputation againſt individual characters, as the Minutes of Sir "J. Cradock and Mr. Petrie, by which the plan was ſupported. But when "they are conſidered, as they actually ſtand in the Paper prepared by Colonel "Munro, as forming a part of the chain of reaſoning founded upon general prin-"ciples, it appears to us, that no inference can fairly be drawn from them "unfavourable to the character of the Madras Army."

To us theſe remarks alone appear concluſive againſt granting the Court Martial in queſtion, and therefore againſt the *legality of the arreſt*; but on the general queſtion, of the power of Government to remove arreſts, it is fair to refer to the very able opinion of the Judge Advocate General of Madras, ſupported by that of the Advocate General, which maintain the legality of it. The Indian Governments are in the general practice of ordering officers under arreſt; and their right to release, is underſtood by the Judge Advocate to be a received principle in the Army. It is certain, that long after the Act of George II. that is in 1783, the Government of Madras exerciſed the power of removing an

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arreſt imposed by the King's Commander in Chief upon a *King's* officer.* The Judge Advocate mentions also a case where two officers had been recently released by the Bengal Government, from an arreſt, under which they had been placed by the Commander in Chief of that Army; and however the Act of George II. (passed before our acquisition of territorial dominion in India) may have been intended, we conceive that it muſt merge in the very large and comprehensive powers given to the Company's Governments by the Acts of 1784 and 1793, in all matters, military as well as civil.

* Colonel Sterling. See F. S. G. Select Letter, 24 January 1784.

Colonel Bannerman says, "it might be a diſtinct and aggravated ground of "accusation," that the "insinuations" and "aspersions" contained in Colonel Munro's Report, were adopted by Government as their own; and that it is wretched sophiſtry to contend that, because a public act has been founded in "calumny," therefore the "calumny" ceases to be such. But in all these remarks he evidently *begs the whole queſtion*. It is denied that there is any insinuation, aspersion, or calumny, actual or intended, in the Report. Colonel Munro has disavowed all intention of reflecting on the officers. Government have declared, that under any correct conſtruction, no offensive meaning can be attached to the words used by him.

Mr. Elphinſtone and Mr. Pattiſon charge Sir G. Barlow with having brought Colonel Munro's Report "moſt unnecessarily out of the Secret Records, and "delivered it to the Adjutant General."* "Hence, says Mr. Pattiſon, "ſprung the fatal feuds between Colonel Munro and the officers." The fact, however, is, that Colonel Munro's proposition for aboliſhing the Tent Contract, after having been referred to Government, was submitted to the examination of some officers of talents and experience, and, on receiving their concurrence, adopted by Lord W. Bentinck, referred to the Supreme Government in the Public Department, and in the time of Mr. Petrie, *entered on the Consultations in the Public Department* on the 7th October 1807, and transmitted to the Court of Directors *with the public letter of 21ſt October* 1807. To suppose, therefore, that from the period of all this publicity, which took place before the arrival of Sir G. Barlow, the paper could remain a secret to the officers, (if indeed it was not known to them ſtill earlier,) would be altogether idle. But we have the account of this matter unfolded in Lord Minto's laſt dispatch. According to the information given to him by Colonel Munro, (who would hardly venture to ſtate, on such a point, what he could not subſtantiate,) Colonel Capper, Adjutant General, the intimate friend of General Macdowall, forwarded to several officers in his own and General Macdowall's confidence, all the passages in Colonel Munro's Report, that could be conſtrued into an offence to the Army; and these passages were soon transmitted by the officers, two of whom were Colonel Vesey and Colonel St. Leger, to the Commander in Chief, with a demand for juſtice, &c. This points diſtinctly to the confidential friend of General Macdowall, as the source of this business; and General Macdowall's refusal, as will be seen afterwards, to receive a public disavowal from Colonel Munro, of the sense put on his words, which muſt have ſtopped the whole proceeding, gives him the appearance of being a party in the design. It was not till the month of June 1808,* *eight* months after Colonel Munro's paper had been a *public document*, and when the Commander in Chief had decidedly adopted and fomented the discontents of the Army, that the idea of arraigning Colonel Munro was agitated; and it was three months more before charges againſt him were brought forward. Mr. Elphinſtone's representation, therefore, that the officers acted on coming to the knowledge of the paper,—that "*they took fire*" as on a sudden discovery, and demanded a Court Martial, is not only wholly unsupported by evidence, but opposed by it. Some other views which he gives relative to this matter may also be noticed. He says Colonel Munro intended the agency of the new system of tent provision for himself. We presume he infers this because the new plan proposed to charge the Government with the provision of tent equipage, and it might hence fall within the province of the Quarter-maſter General: but the plan no where points to any salary or emolument for the superintendance of that business; and it is unwarrantable to insinuate, without the leaſt evidence, that an Officer of diſtinguished character was influenced by private motives in recommending a great public measure. The honourable Writer forgot, on this occasion, that he was, at the moment of writing these

* Note.—Had the fact been as here stated, these Gentlemen would have done better to have denounced the conduct of the Staff Officer who betrayed the confidence of the Governor, by the communication of a secret record.

* Colonel Munro's Letter to Government, 23 January 1809.

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these words, treating with tenderness the complaint of officers who, only on a conſtruction of general expressions, alleged themselves to be aggrieved; he forgot too his own rule of adhering to the public records; and unhappily the Dissents before us furniſh very numerous inſtances of the same nature, without supplying the want of public proofs by any satisfactory private evidence. But, on the other hand, Mr. Elphinſtone thinks "General Macdowall might have "had many good and substantial reasons for what he did, which we as yet know "not." Is it to be presumed, then, that the reasons he publicly recorded in his letter of 25th January 1809, were not thought by him "the beſt reasons," and that he reserved till he came home, reasons "good and subſtantial," for a body too, with whom he would not condescend to have further explanation? Mr. Elphinſtone says, General Macdowall seemed desirous to prevent a Court Martial, and declined it to the officers individually. It appears, however, from the facts, that his objection was not to a Court Martial, but to individual application for one; which was, as has been already shown, the only way wherein such a business could be taken up by him. "When," says Mr. Elphinſtone, "a Court "Martial was requeſted by 19 of the senior officers, its complexion was entirely "changed;" which is moſt true, for then there was combination, and a charge which it was impossible any one officer could intelligently make on behalf of all the reſt. But "he (General Macdowall) ſtill tried to ſtave it off," and "applied "to the Judge Advocate for his opinion." Did he then, on being advised by that officer, that the proceeding would be illegal, and on being ſtrongly dissuaded by him to reſtrain from it, gladly avail himself of such authority, to put an end to it? Quite the contrary. In defiance of this opinion of his legal adviser, he perſiſted in bringing the charges forward. "But he gave full time," says Mr. Elphinſtone, "to the Government, to explain their sense of the Memorial to the "General, and for him to have done it to the officers; which would, in all "probability, have had the desired effect; and they had no reason to doubt "but he would have been as ready to have done it upon this occasion as he had "been upon a former: but nothing of the kind was attempted." Whether the explanation of the sense of Government, or the General's readiness to convey that explanation to the officers, *as on the former occasion* (respecting the suppreſsion of the Memorial for Bengal allowances) would have had the desired effect, the account already given of that former occasion may ſhow. But he did not so much as inform the Government that a charge was preferred to him, againſt Colonel Munro, though it evidenty involved a queſtion concerning their acts. They were not indeed uninformed of the fact; but, inſtead of interfering to tell him what was his duty, they concluded "he would take due means to suppress "such *factious* proceedings, and give the Quarter-maſter General the protection "to which every public officer was entitled in the performance of his duty." However, to the great surprise of Government, he even put Colonel Munro in arreſt, without giving them any previous intimation. Still they thought the communication of their sentiments of the arreſt, as "contrary to the cleareſt princi-"ples of order and juſtice," would induce General Macdowall to remove it. So far from it, that he told them it was his intention to bring an additional charge againſt Lieutenant Colonel Munro, for having appealed to Government; "without "which appeal," say they, "we ſhould have had no authentic information of "the circumſtances of the case, until the conduct of Lieutenant Colonel Munro, "and with it the proceedings and orders of the Government, had been brought "before a Military Tribunal for decision." "But," says Mr. Elphinſtone, "he "gave full time to the Quarter-maſter General to explain away the offensive "expressions:" "Even he would make no advances." Does General Macdowall himself insinuate any thing of this kind? No; and as at the same moment that General Macdowall made the affair a public one, Colonel Munro publicly disavowed the injurious sense put upon his words, and did this ſtill in time enough for General Macdowall to have acted upon the disavowal, had he been so disposed: the fair presumption is, that he made this disavowal perſonally to General Macdowall from the beginning. But we are now relieved from conjecture in this matter. Colonel Munro has stated to Lord Minto, that on firſt learning from General Macdowall, about the month of September, of the dissatisfaction of the officers on this score, he "earneſtly requeſted the "General to permit him to address a letter to him, disavowing the meaning "imputed to his words, which they were never intended to express. General

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"Macdowall refused his permission, as the Tent Contract, he said, was done "away without his having been consulted;"—a very inadequate reason, for he was not Commander in Chief when the measure passed. Colonel Munro "repeated the application without success; and Colonel Campbell, who, "at his requeſt, also urged it, though of the General's family, was likewise "refused." The public disavowal made by Colonel Munro is in these words: that, "in preparing the Report upon the Tent Contract, nothing was more "remote from his mind than to state a sentiment in any respect adverse "to the honour, integrity, and military virtue of any portion of the offi-"cers of the Army." "General Macdowall acted," continues Mr. Elphinſtone, "with great coolness and deliberation, very unlike a man wiſhing "to promote discontent or disaffection." "After so long time for deliberation "and conciliation, he ordered the Quarter-maſter General under arreſt; "and from that moment we hear the heavieſt accusations of the General." Whatever coolness and deliberation he might have used, it was clearly not in view to conciliation; for he neither communicated the charges to the Government, nor his intention to proceed to the arreſt; neither would he remove the arreſt at their requeſt, though Colonel Munro had previously made the public declaration juſt quoted; nor offer any acknowledgment for a wanton, indecent attack on Government, in a public letter to Colonel Munro. An observation of Lord Minto's is so apposite here, that we cannot avoid quoting it. "If General Mac-"dowall's not being consulted about the abolition of the Tent Contract, furniſhed "an adequate reason for refusing to a person accused the common privilege of "being heard in his justification, in order to avert a criminal prosecution, it was "not thought sufficient by General Macdowall to prevent him from interfering "much more deeply and efficaciously in the affair of the Tent Contract, by "placing Lieutenant Colonel Munro in arreſt upon the very accusation, in an "earlier ſtage of which affair he had employed that pretext for suppressing an "explanation which muſt have precluded the whole proceeding." Was he here "*puſhed on from ſtep to ſtep*," as has been said for him specifically in one Dissent, and virtually in most of them? or did he, againſt all dissuasion and remonſtrance, persist to set a firebrand, juſt as he was quitting the scene, to that mass of com-buſtibles which he so well knew had been before collected? The accusations "from that moment" brought againſt General Macdowall, are only of public notorious acts which the Government could not tolerate or overlook. Their hav-ing forborne till then to record any animadversion on his conduct, though they could not have been ignorant of the part he was acting in the Army, especially after his public Address to the European regiment at Masulipatam, does not look like severity or harſhness of disposition. In respect to the arreſt, the hiſtory of that affair muſt demonſtrate that the want of conciliation did not lie on their part, and supports the declaration made by Government to the Army soon after, on the 6th February 1809. "It was the wiſh, it was the earneſt endeavour "of the Governor in Council to effect this object," (the prevention of the evils which bringing Colonel Munro to trial would have occasioned,) "by every "means of conciliation and explanation; but such means having been used in "vain, and even repelled under circumſtances highly offensive, no alternative "remained but that of conveying a specific order for the removal of the "Arreſt."

We have dwelt the longer on this firſt subject, to ſhew that there is not the leaſt ground for charging any thing to the want of conciliation on the part of the Government; but abundant proof of a spirit of animosity and faction on the other side: and we have wiſhed also to give a specimen of the way in which, generally, the Dissents comment on the conduct of the one party and the other. The limits we must prescribe to ourselves will not allow us to follow, with the same detail of observation, the views given in those Papers of the subsequent events, to which we now proceed.

Memorial from the Officers, tranſmitted by Gen. Macdowall to Government.

Whilſt the affair of Colonel Munro's arreſt was yet pending, General Mac-dowall, on the 23d January, transmitted to Government a Memorial from the officers of the Madras Army to the Court of Directors, complaining of many alleged grievances—their ſtate of baniſhment, their poverty and prospects—the abolition of the Bazar allowances, full batta, and the Tent Contract—the ine-quality of their allowances, to those of Bengal—and the "Representative of the "Army

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"Army, the Commander in Chief," being deprived of his usual power, and a seat in Council, &c. This laſt point is urged with peculiar earneſtness; and whilſt the tenour of the Memorial ſeems to point to very general *redress*, they diſtinctly claim the reſtoration of the profits of the Bazar fund, and to be placed permanently on the same allowances as the Bengal Army, *as their juſt rights.*

When the Memorial projected in May, which had for its object only the obtainment of Bengal allowances, is compared with the preſent, it will be evident that some powerful influence muſt have operated upon the minds of the officers, to work them up to such an unprecedented repreſentation. It ſhould be obſerved, that not one of the articles of grievance set forth in it, originated with Sir G. Barlow. It condemns the acts of preceding Governments, ratified by the Supreme Government and the Court of Directors. It claims certain allowances, as *matter of right*; it interferes with the prerogative of the Court of Directors, in framing the Civil Government, requiring a seat in Council for the "*Repreſentative of the Army*;" thus incorporating the cauſe of General Macdowall with their own; and all this is done at a moment (we muſt be pardoned for repetitions) when the well-known exigencies of the Company had imperiously demanded a very general reduction in their expenditure—when the reſentment of General Macdowall againſt the Court of Directors, and his hoſtility to the actual Government of Madras, were notorious—and when the Government had been deliberately attacked by the arreſt of Colonel Munro. And all this was done by *combination*, in direct violation of the general regulation of which the officers had been reminded by the circular letter of May.

After reviewing the different subjects of this Memorial, and what has been ſaid on them from India, and by the Court of Directors in their letter to Fort St. George *, and after conſidering the time and manner in which it was brought forward, hardly any one will be diſpoſed to maintain that it is not animated by a vehement ſpirit of inſubordination and encroachment: neither will it be contended that, if General Macdowall's part in this proceeding had been put wholly out of view, the Government could have done otherwiſe than express a decided diſapprobation of it.

* Of 15 Sept. 1809.

But was it poſſible to conſider it diſtinct from the ſhare he took in it? That ſhare gave a new and alarming aſpect to the whole—a combination between the Commander in Chief and the officers of an Army, to preſs each other's objects upon the Government—objects not to be yielded—and to endeavour to carry them by a general attack, in violation of all the rules of subordination! And what an appearance does General Macdowall make on this occaſion! He who had, but eight months before, as his duty required, though the queſtion was only about *one* of the many points now contended for by the officers, warned them by a circular letter, of the culpability of the course they were purſuing, and the obligation which would attach upon him to bring to puniſhment the leaders in such a proceeding, he now comes forward, with the moſt indecent inconsiſtency and diſregard of the duty of his high ſtation, to abet all the diſcontents of the officers, and all the accumulations of their extravagant pretenſions, "to do every thing in "his power to *protect their rights and redress their grievances*;" and with a plain intimation that the Government will not be *generous or juſt* if it does not also eſpouse their cauſe. It was not poſſible General Macdowall and the Army muſt not have been aware that the Government could give no countenance to such a proceeding; that it was a proceeding in defiance of subordination and positive rule, at the moſt exceptionable time which could have been chosen; and that General Macdowall's part in it was a flagrant inſult to the Government. If the Government had then proceeded to inflict puniſhment upon General Macdowall, and to expoſe to the officers, in General Orders, their highly blameable conduct, they would certainly have ſtill been within the line which the case warranted; but they took the leaſt notice of this proceeding that was poſſible, compatibly with their duty. They only ſtated, in answer to the Commander in Chief, that they could not view the ſentiments contained in the Memorial without extreme diſapprobation, and that they would ſuſpend the final diſpoſal of that paper until it had been laid before the Supreme Government—no notice whatever is taken of the conduct of General Macdowall. Does this look like harſhneſs, ſeverity, arbitrary, oppreſſive proceeding, of which so much is ſaid in the Diſſents? Like any deſire to irritate or provoke, or to indulge an unconciliatory ſpirit?

Inquiry how and what conciliation could have applied in the case of that Memorial.

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spirit? And we wish those who see in the proceeding of the Madras Government on this trying occasion a want of conciliation, would be pleased to explain how that principle could otherwise have been applied here. Do they think it could have been hoped that solicitations on the part of Government, if such could have been used to individuals, would have broken the confederacy? or that soothing speeches would have made the confederacy relinquish their objects? To expect any thing of this sort argues, in our opinion, a moſt erroneous conception of the very serious nature of this case. This was not, as we have remarked on another occasion, the sudden ebullition of a new impulse; it was the progress of a long-exiſting principle, now much invigorated by additional influences, and grown to a size truly formidable. The Government seem to have had a juſt idea of their situation and their duty; and to have had far higher and better objects than the indulgence of tempers and humours of their own. They appear to have been sensible that there was danger, and that they ought to maintain their legitimate authority with temperate firmness. In our humble judgment, this was the true line of policy in their circumſtances, and will be so in all similar cases in our Indian Governments.

Factions in the Civil branch of the community, which strengthened the insubordination of the Military.

It was the more necessary to act upon these principles at this crisis, because the military faction, though the moſt formidable, was not the only one the Government had to guard againſt. There were also factions among the Civilians which, excited by private and personal intereſts, were moſt active in decrying the Government, and exceedingly increased the prejudices againſt Sir G. Barlow. These, though in themselves less formidable, added to the confidence of the military combination, and derived encouragement from it. With these it was natural that a man taking the line General Macdowall did, ſhould fraternize; and of the fact of his having done so, there is sufficient evidence.

We wiſhed to advert in the brieſeſt manner possible to these collateral circumſtances, our main subject being amply sufficient for one paper; but so much reference has been made to them in the Dissents,* and we think with such extreme incorrectness, that it becomes indispensable somewhat to enlarge our view of them.

* Mr. Elphinstone's Dissent, 15 Oct. 1809. Mr. Pattison's, 24 April 1810.

The other Dissents of the latter period dwell on the unpopularity of Sir G. Barlow.

† Letter of 5 February 1810, pars. 15.

Rise of the unpopularity of Sir G. Barlow.

Observations on Mr. Petrie's account of that unpopularity.

‡ Statement, p.

We muſt begin, however, with observing that it would now seem "unpopularity had accompanied Sir G. Barlow to Fort St. George." Until we saw Lord Minto's late dispatch† we were not apprised of this fact, nor prepared for it by the general character which, as far as our knowledge went, a long course of diſtinguiſhed service in Bengal had eſtabliſhed for Sir G. Barlow. The cause, however, is highly to his honour—"a firm and faithful discharge of ungracious "and unpopular but sacred and essential duties, not sought or relished by "himself, but caſt by circumſtances peculiar to the times, on the period of his "adminiſtration in Bengal." This is a cause that should endear a servant to his employers; and it more intelligibly accounts for Sir G. Barlow's early unpopularity at Madras, than a reason assigned by Mr. Petrie—"his wishing, in "almoſt every case, to make Bengal the ſtandard or criterion for conducting "the affairs of this Government."‡ We do not discover on the records, nor have we heard from any other quarter, of any material change made by Sir G. Barlow, in the manner of transacting the public business. It is sufficiently underſtood, that the earlier eſtabliſhment and longer practice of the Bengal Government in the exercise of territorial dominion, have given a priority and an advancement to its inſtitutions, which have made them in very important branches of adminiſtration, models to the other Presidencies: and if Sir G. Barlow saw that, in any of the details of business also, the improvements of Bengal could be grafted on the usages of Madras, it was his duty to recommend the change. But the language of Mr. Petrie implies, that he muſt have attempted this upon a very large scale, and almoſt immediately after his arrival. "On general principles,§" says Mr. Petrie, "respecting policy, finance, "commerce, and revenue, an uniformity of syſtem is juſt and beneficial "to the public intereſts; but in the details of business, and in arrangements "which are affected by local circumſtances, by physical or moral diſtinctions, "amongſt the native inhabitants, it is unwise and inexpedient to attempt it. "Experience universally admits that the laws, cuſtoms, forms and practice "which may be beneficial to one State, Government, society or people, may "form

§ Printed Statement, p. 7–8.

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"form irreconcilable differences and be radically and totally inapplicable to "others." We are not able to collect very definite ideas from these passages, nor prepared to contend for such a sweeping uniformity of principle as Mr. Petrie approves: and we think that changes in the *modes* of transacting business, especially changes for the better, among Europeans, need be attended with little difficulty. But what "arrangements affected by or affecting the *physical* and "*moral diſtinctions* of the *native inhabitants*," has Sir G. Barlow attempted? The natives have been perfectly quiet and loyal when Europeans were setting them a very bad example. Has Sir G. Barlow endeavoured to introduce *laws, cuſtoms*, or even *forms* and practice irreconcilable, totally and radically inapplicable to the natives or Europeans of Fort St. George? Certainly if his numerous enemies could have quoted inſtances of this kind, we have no reason to imagine we ſhould not have heard of them: and it would have been well if Mr. Petrie had been more particular, and if there were such innovations, had officially marked his opposition to them, inſtead of intimating them for the firſt time in terms vague, but likely to inſtil prejudice in persons at a diſtance who, seeing some of the general positions plausible, may likewise infer that there has been reason for the application.

The case of Mr. Sherson, a civil servant, made a party question.

If Sir G. Barlow, from the performance of ungracious duties, brought unpopularity with him from Bengal, it appears that he was unfortunate in being called to a new occasion of the same kind soon after his arrival at Fort St. George. We allude to the case of Mr. Sherson. As the Court have not yet decided upon this case, we ſhould think it premature to give a final judgment upon it, had we completely gone through the two large folios which are filled with the documents concerning it. But Mr. Pattison* having declared it as his opinion not only that, in every case in which Sir G. Barlow and Mr. Petrie have differed, (and consequently in this,) "Mr. Petrie was right, and Sir G. Barlow wrong," but having condemned Sir G. Barlow specifically for his conduct towards Mr. Sherson, we deem it necessary to say that the perusal of the principal papers in this discussion, including the Minutes of Mr. Petrie in defence of Mr. Sherson, has not impressed us with Mr. Pattison's view of the subject. Neither are we prepared to go with him in the peremptory sentence he has pronounced upon the collateral case of Mr. Cecil Smith, which the Court have never hitherto had the adequate means of considering, because a material document relating to it has been loſt in the missing ſhips, and has not yet been supplied. The removal, however, from one department to another, which Mr. Pattison censures, is common in the service and, for very sound reasons, ought to continue so. The charge againſt Mr. Sherson was of the moſt serious nature, and several weighty articles in it appear to remain unanswered. Sir G. Barlow is accused not, as far as we can perceive, of having puniſhed a person positively and clearly innocent, but of proceeding harſhly and severely, contrary to the rules of the service, againſt a person whose guilt was not eſtabliſhed, but was still under examination by a suit in the Supreme Court. This is Mr. Petrie's view of the case, and according to him, the ground of the unpopularity incurred on this account by Sir G. Barlow with the Madras service. Now, if we underſtand the matter aright, the queſtion referred to the Supreme Court respecting Mr. Sherson is, whether *he is liable to the Company, for the money embezzled* in the Grain Department? His conduct as Superintendant of that Department, is a diſtinct queſtion which it belongs to the Company and their Government to decide upon. This affair did not originate with Sir G. Barlow. He found on his arrival a Committee sitting to inveſtigate it. That Committee, composed of Madras servants, declared Mr. Sherson guilty. Messrs. Oakes and Casamaijor, old Madras servants, composing the majority of the Counsellors, also concurred in that decision. Sir G. Barlow, equally unconnected with all the parties, could apparently have no motive except the assertion of public principle and the performance of public duty. But whilſt, at the beſt, the cause could only be considered as doubtful, the Madras servants have loaded Sir G. Barlow with more odium than ought to have attached to him, if it had indeed been proved that the Committee and the majority of the Counsellors as well as himself had erred in their judgment. This has been signally made the cause of party and faction, and the subject of inflammatory invectives againſt Sir G. Barlow, of whose tyranny and injuſtice Mr. Sherson has been held up as the victim. But *we* in this country ought not to

* Mr. Pattison's Dissent, 24 April 1810.

View taken of it in some of the Dissents.

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adopt the violent language and feelings of party, even if we had decided that the Madras Government had formed an inaccurate judgment on the case: ſtill less ought we to do ſo now, when the deciſion of the Court of Directors may yet be that they have acted as the juſtice of the caſe and their duty demanded. And if it ſhould indeed appear that ſuch has been the conduct of the Government, what would the act of the authorities at home be but a kind of *felo de se*, if they were to join in the reprobation of that conduct? Yet ſuch in effect is the ſpirit and the language of the Diſſents now before us—"arbitrary and oppreſſive "measures, from their violence univerſally diſapproved*"—"harſh unconcilia- "tory meaſures—ignorance of the habits and manners of Madras—the ſervants "are and muſt be diſguſted." † These expreſſions, and many more of the ſame tenour in the Diſſents, which are quite in unison with the general current of the party accuſations tranſmitted from Madras, (and not the leſs party accuſations becauſe adopted by great numbers,) derive their origin very much from this affair of Mr. Sherſon's. But if the Government, honeſtly ſolicitous for purity in the exerciſe of public truſts, ſhould adopt an erroneous proceeding in any caſe —(a ſuppoſition the ſuggeſtion of which obliges us to add that it is by no means our intention to imply they did act erroneouſly in the preſent inſtance)— the Court of Directors, were they to join with diſcontented parties in decrying and reprobating that Government, would, in fact, ſtrike a blow at their own authority.

* Mr. Elphinſtone's Diſſent, 25 April 1810.

† Diſſent by Sir F. Baring and Sir H. Inglis.

Proceedings in relation to the Carnatic Debts became the ſource of violent oppoſition to the Government.

As Sir George Barlow did not ſeek this affair of Mr. Sherſon's, ſo, in the next buſineſs that occaſioned and increaſed popular ferment, it is evident from the Records, that he was called on to act either by circumſtances which originated in the time of the preceding Government, or by public requiſition, with which he thought it his duty to comply. We ſpeak of the proceedings relative to the Carnatic debts. The Arcot Durbar was, for at leaſt forty years, a ſource of corruption and faction in the Preſidency of Madras. The baneful influence of its ſyſtem has continued after the extinction of its power and the tranſfer of its territory. In diſobedience of all the orders of the Company, Europeans became to an immenſe amount creditors of the Nabobs of Arcot. The liquidation of the bonds granted by thoſe Nabobs occaſioned, during their lives, repeated agitations in the Settlement of Madras. Since their deceaſe, new and more violent feuds have ſprung from the ſame ſource. Their real remaining debts were eſtimated to exceed the enormous ſum of four millions ſterling, part, no doubt, incurred for money borrowed, and fair ſervices received. The Company, having acquired the territory, entered ſome years ago into an agreement with the creditors, for the liquidation of their claims. Commiſſioners were, in conſequence, appointed to act in India and in England, for the examination of them. Thoſe in India were to ſit at Madras. The Government of that Preſidency were deſired to afford them all due aſſiſtance; but, to exclude local influences, they were to be ſelected from the Bengal ſervice. The reputation of the three gentlemen ſo choſen, for ability and integrity, has remained unimpaired amidſt all the ſtorms of faction. When they entered on their office about the month of April 1808, Madras ſwarmed with forged Nabob's bonds, which ſeemed exceedingly to have increaſed from the time it was known that a plan of liquidation was on foot. The claims given in to the Commiſſioners have amounted in all to 29 millions ſterling!

Brief Review of the Proceedings relative to the Carnatic Debts, in an Appendix.

From ſome queſtions reſpecting forgeries, vehement diſputes and animoſities aroſe at Madras, and a numerous, active party was hence formed againſt the Government. Government, upon the advice of a Committee appointed to enquire into the nature and extent of the forgeries of Nabob's bonds, had, in order to check that practice, directed the Company's law officers to inſtitute a proſecution againſt Paupiah Braminy, an intriguing Native, of recorded infamy, for forging a bond of 46,000 pagodas. This man, on the other hand, accuſed Reddy Row, a native officer of character, confidentially employed by the Commiſſioners for inveſtigating the debts, of the ſame crime of forgery. The Commiſſioners before whom this accuſation came, carefully examined into the charge; pronounced Reddy Row innocent, and adviſed the proſecution of the witneſſes in the cauſe for perjury, by the law officers of the Company; to which Government

ment assented. Paupiah, however, found means to anticipate these measures, by proſecuting Reddy Row for forgery in the Supreme Court; and he was abetted by ſeveral European creditors of the Nabobs. The diſputes and litigations that grew out of theſe circumſtances went to great length. For a very brief ſketch of the leading facts, as connected with our main ſubject, but ſtill too long to be inſerted here, we beg leave to refer to the annexed paper.*

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* Vide Appendix.

Obſervations on the conduct of Government relative to thoſe Proceedings which created oppoſition in the Civil community.

The conduct which the Fort St. George Government was led to adopt in the courſe of theſe proceedings, ſeems to have been dictated ſolely by a deſire to ſupport the cauſe of public principle and public good, the juſt authority of the Commiſſioners for the Carnatic Debts, and of the Government itſelf. We are not aware that the ſupport given to the Commiſſioners, which Mr. Petrie † calls *unlimited*, was carried beyond the point to which, under exiſting circumſtances, it might fairly have been aſked and given. Mr. Petrie has not explained, nor do we ſee what was *unconſtitutional* in the meaſures adopted by Government for the defence of two perſons whom they deemed innocent and oppreſſed; and that thoſe meaſures were intended to "influence the juries," or to do any thing more than to bring forth truth, whatever might have been ſaid of their "tendency," there is not the leaſt evidence: that they had no ſuch effect, is plain from the event. "Of the ſevere puniſhment which," Mr. Petrie ſays *in his Statement*, "was inflicted on thoſe who concurred in the verdict againſt the two "men," puniſhment which Mr. Pattiſon ‡ alſo inveighs againſt under the terms of "ſhameful vindictiveneſs," neither of theſe gentlemen has given any proof or particular; nor is any mention made of ſuch a circumſtance in Mr. Petrie's *Minute*, which Sir George Barlow had an opportunity of ſeeing. All we have heard, is, that whilſt ſome perſons who ſerved as jurymen were advanced to ſtations of reſpectability and advantage, two were, for general impropriety of conduct, removed to ſtations diſtant from the Preſidency. These facts do not warrant the charge of Mr. Petrie and Mr. Pattiſon; and we muſt therefore be allowed to ſuſpend our aſſent to what appears to us very improbable until it is ſubſtantiated.

† Mr. Petrie's Minute.

‡ Diſſent.

It is moſt true, that the interference of Government in theſe affairs proved very unfortunate to themſelves, and to thoſe whom they thought it a duty to ſupport; but that does not at all decide it to have been culpable. Many of thoſe who condemned it, and particularly the leading perſons among the Carnatic Creditors, had a direct private intereſt; and it is not unreaſonable to ſuppoſe they might have felt the influence of a principle ſo operative. It has not been inſinuated that Sir George Barlow had any private intereſt, unleſs to avoid the painful taſk of conflicting with that of others. To this conflict his ſenſe of duty led him, and, as it proved, at the expence of much of the peace and popularity of his Government.

The oppoſition of part of the Civil community of Fort St. George, and the prejudices of others againſt the Government, were, in the courſe of thoſe judicial trials, carried to a ſtill greater height, and coaleſced with the inſubordination of the Army, and the factious conduct of General Macdowall, who is known to have been preſent in the Hall of the Supreme Court at the moſt popular harangues delivered there, and on the motion of perſons in open oppoſition to Government, was complimented with an addreſs and a ſervice of plate. It is indeed ſaid in ſome of the Diſſents,§ and by Mr. Petrie, that in theſe marks of attention to him, perſons of different parties concurred, and that they were paid only on the ſcore of his private and ſocial qualities. But the names which appear to the Addreſs, with the exception of two or three military men, who may have had perſonal obligation or attachment, are clearly of the deſcription juſt mentioned; and the Addreſs itſelf profeſſes reſpect to him on account of his *uniform public* and *private conduct*.

§ Of Sir F. Baring and Sir H. Inglis, and Mr. Elphinſtone.

Gen. Macdowall's Farewell Addreſs to the Army, and his General Order, cenſuring Lieut. Col. Munro for appealing to the Government.

The occurrences which come next in order are the Farewell Addreſs of General Macdowall to the Army, and his laſt General Order cenſuring Lieutenant Colonel Munro. In the former, *he appeals to the Army againſt the Court of Directors*, becauſe they had not appointed the Commander in Chief to a ſeat in Council. Mr. Elphinſtone ſays, he finds no cauſe to quarrel with the word "Repreſentative"

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sentative" here.* In the Court's Dispatch, however, to Fort St. George,† the objectionable nature of the term "Representative" has been diſtinctly ſhown; but the ſeditious tenour of the Address is ſurely cauſe enough of "quarrel." General Macdowall's Order conveys to the Army a marked and groſs inſult to the Government, whom it was his duty and theirs to ſupport. The character of theſe papers is ſo flagrantly ſeditious, that, though their ſtrongeſt features have been by many left too much out of view, we ſhall forbear, as thinking it unneceſſary, to inſiſt on this topic. The queſtion we have to conſider is, what was the courſe Government ought to have purſued after coming to the knowledge of the General Order? Mr. Petrie ſtates the queſtion to have been—"ſhall we "proceed on principles *of ſeverity and coercion, or on thoſe of dignified firmneſs, "moderation, and expediency?*" ‡ We confeſs we do not collect any definite meaning from theſe generalities. The immediate queſtion was not about *ſeverity* or *moderation*, (as to the application of which terms there might be great diverſity of opinion,) but about what, under exiſting circumſtances, propriety and duty required on the part of Government. Mr. Petrie has, in entering upon this ſubject, obſerved, "that Government had to conſider, not the extent of their "power to puniſh General Macdowall, but to adopt ſuch meaſures as were beſt "calculated to counteract the effects we apprehended, and to prevent injury to "the public intereſts." He thinks, "any perſonal ſeverity towards General "Macdowall ought to have been cautiouſly avoided, as what would moſt certainly increaſe the agitation in the military mind, and that, while the ſupreme "authority of Government was vindicated by the *publication of an appropriate "General Order* to the Army, the General ſhould have been allowed to leave "India without any further marks of diſpleaſure." He cenſures the meaſures adopted in reſpect to General Macdowall, "as lowering the reſpectability of "Government:"—"expoſing its Councils to the imputation of weakneſs, undiſ- "guiſed reſentments, and an uſeleſs unavailing degree of rigour §:"—a view, however, which ſeems to be contradicted in another place, where he ſays, "it "was obſerved, that the removal of General Macdowall ſufficiently vindicated "the authority of Government, and exhibited to the Army a memorable proof "that the ſupreme power is veſted in the Civil authority ‖." But he goes on, in the place firſt quoted, to ſay, that if the Commander in Chief had been allowed to depart without "theſe uſeleſs manifeſtations of reſentment, he and "the Order would have been forgotten in the courſe of a few weeks ¶." Mr. Elphinſtone, after ſtrongly expreſſing the ſame ſentiments of the proceedings of Government, ſays, that "General Gowdie ſhould have been directed to explain "to the Army the impropriety of the Order and the diſpleaſure of Government; "and that if a moderate courſe of this ſort had been purſued, he has no doubt "the General and his diſcontent would have ſunk into oblivion in a very few "days*."

Mr. Petrie's Obſervations on the conduct Government ought to have purſued on that occaſion; with Remarks in anſwer.

* Diſſent, 15 Oct. 1809.
† - - 15 Sept. 1809.
‡ Statement, p. 14.
§ Statement, p. 14.
‖ Statement, pp. 14–15.
¶ Statement, pp. 14–15.
* Diſſent, 15 Oct. 1809, which was ſix months before Mr Petrie's *Statement* appeared in London.

These ſtrictures, of which the import ſeems to be adopted into the Diſſents, bring immediately into view the queſtion of *Conciliation*. They are to be found (as we have had occaſion to remark with reſpect to other paſſages) in Mr. Petrie's Statement, (pp. 14 & 15.) which Sir G. Barlow never, as we are led to ſuppoſe, and muſt again obſerve, had an opportunity of peruſing. In Mr. Petrie's Minute, taken from that *Statement* and laid before the Board, there is not the leaſt appearance of the inſinuation which ſeems to be intended here; that the indulgence of reſentment againſt General Macdowall or a "vindictive childiſhneſs," as Mr. Elphinſtone has expreſſed it, was a leading object with the Government. If Mr. Petrie thought ſo, it was his duty to have pointed it out on the Records. He forbore to do this publicly, even when freely charging Sir G. Barlow with other things, but he conveys it in a Statement, of which the party impeached has no knowledge. It is ſaying leſs than the occaſion might warrant to obſerve, that as ſuch private unſupported inſinuations are in their nature no evidence, ſo they ought, in every view, to be peremptorily rejected. Reſpecting the meaſures adopted by Government againſt General Macdowall, it is not to be wondered at, that the adherents of that officer ſhould put a very invidious conſtruction upon them; but as ſuch perſons were generally the adverſaries of Government, it was leſs to be expected that its "expoſing its Counſels to the imputation of "weakneſs" ſhould be a ſubject of their animadverſion. The mere opinions, aſſertions or inſinuations of opponents of any deſcription, proceeding too from

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private or anonymous sources are certainly no evidence; and the recorded declarations of Government may be taken as a full counterbalance to them. The Government repeatedly declare, that they have acted from deliberate conviction, upon public principles of duty and policy: and one quotation from their Letter, written after all the commotions of the Army were subdued, may serve for their own account of their motives, both in respect to the transactions already reviewed and those yet to be noticed. "We have, therefore," say they, "through the "whole of these disturbances, been influenced by an earneſt solicitude to suppress "a course of proceedings so pregnant with diſaſtrous consequences; and we "conceived that this important object would be accompliſhed by a firm but "temperate maintenance of our authority, by pursuing measures equally "remote, on the one hand, from increasing the spirit of insubordination in the "Army by an appearance of weakness on the part of Government; and, on the "other, from exciting discontent by undue severity *."

* General Letter from Fort St. George, 10 Sept. 1810.

Government, that is to say, the majority of the Board, profess to have that object in view, which Mr. Petrie says was the proper one: "the prevention of "injury to the public intereſt." He has no where attempted to prove they had not this object; but they certainly differed with him as to the mode in which it ſhould be pursued, and they differed with him also as to the ſtate of the Army at that moment, upon which their reasoning muſt have, in a material degree, proceeded. Mr. Petrie says, "the discontents of the Army *were in "their infancy.*" Diſtant they probably were from purposes of actual rebellion; but they were not in their *infancy* either as to age or ſtature. He himself, at the opening of his Statement, gives it to be underſtood that they were "*considerable.*" The mass of evidence produced and referred to in this Paper, has abundantly ſhown that a spirit of insubordination had been long and deeply rooted, and was advanced to a great height; and Mr. Petrie has said in another place, that to suspend Colonel Capper and Major Boles was to add fuel to "*the flame "which was ready to burſt forth in every division of the Army.*" Now the removal of General Macdowall and suspension of Major Boles happened on the same day, and Colonel Capper's on the following one. It could not, therefore, have been the removal of General Macdowall, yet unknown, which raised this flame. Mr. Petrie entirely overlooks the whole series of General Macdowall's offensive and criminal proceedings, and speaks of his General Order in terms which are surprisisng. It was, he says, "*intemperate,*" (in another place "*disrespectful*") and "the publication of it *might* and *probably had a tendency to* "*increase the discontents.*" How different is the language of a conspicuous Military character, Colonel Malcolm, certainly not wanting in attachment to the Army. "General Macdowall," says he, "set an example of that contumely "and insubordination which it is his particular duty to repress. There is no "calculating the mischief of such proceedings. It is waving a torch over a "magazine †." Nothing can be more evident, than that the General Order was a moſt seditious paper, thrown into the midſt of an Army prepared by the Commander in Chief to catch the flame it was calculated to kindle. This was not a measure to which he was "*puſhed,*" and as to which he gave any room for conciliation. He prepared for it in silence, and placed the Government on the defensive. It was a deliberate ſtudied insult to the Government: it taught the Army to consider that power, to which they owed obedience, as the violator of their "Rights:" it was calculated to degrade the Government in the public eſtimation, in the eye of the Army, and in the eye of all India. It co-operated to this end with the acts and views of those in the Civil community, who had openly arraigned the conduct of Government, and with the spirit of hoſtility to the same power which had, on a variety of occasions, but more particularly during the Adminiſtration of Lord William Bentinck, even ſhown itself in the Courts of Law. There seems to have been a very general concurrence to break through those fences with which the conſtitution of all countries has inveſted the supreme power, reverence, respect and subordination; and a contemptuous insolent spirit was, at that very time, risen to a great height. As a Government that suffers itself to be despised cannot duly perform the important functions assigned to it, the business and the duty of the Madras Government, at this moment, was to repress encroachment and faction, and to maintain order and authority unimpaired. The alternative before them was, whether to do this

† Lord Minto's Letter, 5 Feb. 1810, para. 28.

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or to submit to degradation. Notwithstanding all the circumstances that have been stated, Mr. Petrie thought it would have been sufficient, in order "*to vindicate the supreme authority of Government*, that an *appropriate General Order* "should be published to the Army." By an *appropriate General Order* it would seem, that he means an Order asserting the authority of Government to do that which General Macdowall's Order had presumed to censure as illegal; that is to say, to pass over the studied intended public insult: an insult respecting a matter in which the officers must have had a common feeling with their Commander; and to lay before the same body, whom he had made a tribunal of appeal respecting Army "Rights," the Rights of the Government. In our apprehension, this would have been a most weak, insufficient and ruinous proceeding: it would have been avowing to the Army—"we see ourselves grossly "insulted, but we have not resolution to punish the offence:" it would have exposed the Government to the derision of all the malcontents, and held out the prospect of impunity to further insults. To have passed such an Order, through the new Commander in Chief, according to Mr. Elphinstone's idea, would have still more degraded the Government, and placed General Gowdie at once in a state of unpopularity with the Army. These Gentlemen argue as if General Macdowall's act had been a hasty insulated thing, which interested nobody but himself; and, if let alone, would have died out of memory in a very short time. The Government considered it, however, as a daring advance upon many preceding aggressions, in which numbers sympathized; and in this light we also view it. The whole tenour of Mr. Petrie's "Statement" and reasoning leaves it to be inferred, that the character and honour of the Government were out of his consideration, and that he had also lost sight of the duty and necessity of maintaining the rights and authority of Government unimpaired; or took it for granted, that this was to be done by a non-resisting kind of management, by yielding, temporizing and, we presume, conciliation. The example of preceding times, however, leads to a different conclusion. With the impunity which former instances of disrespect and violence have experienced, may be connected the recent evils; and Mr. Petrie's short Government of three months could not afford a test of his opinion on this head. But to suppose that the spirit of faction and encroachment is to be allayed by passiveness in a Government is also contrary to reason and to human nature, by the knowledge of which Mr. Petrie represents himself to have been influenced. In fact, the expedients to which he would have trusted are the expedients of weakness; and when weakness is evinced nothing can be maintained, nor can any thing yielded have the grace of bounty or prevent further demands. Mr. Petrie's system might have warded off, for a time, an open conflict between authority and usurpation, but must have ended at last either in the establishment of a military despotism, or a contest for the maintenance of legitimate Government. Adventitious events were fully as likely to strengthen military pretensions as to weaken them; and it must be a miserable state of Government which would remain depending on contingencies, while a mass existed of discontent and disaffection, ready to break out at the time most favourable for them.

In our opinion, therefore, the Government would have acted most weakly and unwisely had it not asserted its legitimate authority. There was no room for compromise, and its conduct stands upon the solid basis of adequate facts and unquestionable principles. Could it even have been foreseen that the punishment of General Macdowall would drive the Army into open resistance, the Government would not have been justified in passively submitting to its own degradation. But in this, as in every other measure adopted by Government, it ought to be judged according to the circumstances existing at the time, and not by subsequent events which could not then have been reasonably apprehended.

Grand principle on which the Government acted in the disputes with the Army.

The review of this affair has served to develope the grand principle upon which the Government professes to have acted throughout the whole of the disputes with the Army; a principle which we certainly hold to be sound and indispensable, namely, that the legitimate constitutional authority of Government must, for the sake of the public good, be with temperate firmness maintained entire against insubordination, insult and encroachment. It will therefore be less necessary

necessary for us to dwell particularly upon it in considering the subsequent transactions.

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The next of these is the suspension of Colonel Capper and Major Boles. It is to be observed that Mr. Petrie did not oppose this measure in Council *, and in his Minute delivered into the Board there is no separate specific discussion of it; but in his *Statement*, (pp. 19—23) prepared before the Minute, and since published in this country, he expatiates upon it in terms of severe censure. To this "fatal" act he ascribes "effects of incalculable magnitude on the security of our power in "India," and says, it "has called forth feelings and passions in the military mind "which have shaken the authority of Government to its centre, disorganized "and convulsed the Army, brought our moſt valuable intereſts into imminent "danger, and he fears insuperable difficulties." These gentlemen, (Colonel Capper, suspended the 1ſt February, and Major Boles,) were, according to him, "*mere inſtruments of office.* They transmitted General Macdowall's order in "the *usual, ordinary* forms: the illegality of the order which was assumed "could not certainly be known to them; and a pernicious example of insubor-"dination, a precedent of incalculable mischief, was introduced."

Suspension of Col. Capper and Major Boles.

* Note.—See Sir G. Barlow's Minute, which says the same thing as to the suspensions of 1st May, to which Mr. Petrie in his Minute replies—If the President means to say that *I recorded no Diſsent* to the suspension of Major Boles, and the many others, on the 1st May, he is correct; "but if the intention is "to infer from this that I concurred in those measures, or expressed no disapprobation of them, I must positively deny the fairness of the inference. "In various conversations (with the President) I stated clearly my opinion of the impolicy, &c. of the measures we were pursuing." This is no distinct denial of Sir G. Barlow's assertion, which is positively that Mr. Petrie did not oppose in Council. Sir G. Barlow's argument requires this to be understood generally; and he had no occasion to tell his superiors, for whose information he wrote, that Mr. Petrie had not dissented in writing. The Records would show, that Mr. Petrie's answer is not, "I did *in Council oppose* the suspension of Major Boles, &c.;" but "I did "in various conversations state clearly my opinion of the impolicy of these measures." Besides, General Macdowall's order, censuring Colonel Munro, became known to Government on the 30th January; and their orders for his dismission, and the suspension of Major Boles, were published on 31st; therefore, *antecedent* to these measures, it would seem there could be little room for private *conversation*, which, however, is not the point in question: but Mr. Petrie says in his Statement, "It was my duty to state my opinion to Sir G. Barlow, and to use every argument which "my reason suggested to prevent the publication of the Order: in this I completely failed." This account is certainly considerably different from the one given in the Minute.—Printed Statement, p. 22; and Minute, same publication, p. 26.

The account given of their conduct in Mr. Petrie's Statement, and in the Dissents.

The sentiments of Mr. Elphinſtone on this subject very much coincide with those of Mr. Petrie. He says, "the suspension of officers without a trial, (of "which, however, Mr. Petrie admits the legality,) could not fail to alarm the "whole Army, who thus find themselves dependent *on the will of a single indi-"vidual,*" (meaning the Governor; the Counsellors being considered by Mr. Elphinſtone as ciphers), and in the same paper he frankly shows that *he points to the removal of Sir G. Barlow, and the conferring both of the Madras Government and command of the Army upon a General Officer.*

Mr. Bannerman considers the suspension as *illegal, Mr. Pattison* as *unjuſt.* All these gentlemen censure the Government in terms like those already quoted, for want of temper or judgment: and the two former diſtinctly ascribe to this measure the whole or a great part of the evils that followed.

Declamatory assertion is not the proper matter for argument. Though Mr. Petrie, whom gentlemen seem to follow, ascribes in the passages juſt cited almoſt every thing to the suspension of those two officers, he soon after makes the admission above noticed, that *before* their suspension "the flame was ready to burſt "forth in every division of the Army."

The merits of this queſtion, on which the Court has long ago passed a judgment, are, we think, fairly ſtated in Lord Minto's letter of the 5th February 1810: and our opinion coincides with the view therein given, both of its juſtice and its policy; on which laſt point in particular, as we have not expressed ourselves concerning it elsewhere, we desire to be underſtood as holding the sentiments his Lordſhip has delivered.

The merits of the queſtion.

The main point of inquiry is, whether these officers acted in an insubordinate, factious spirit, well knowing that General Macdowall's publication was calculated to insult the Government and inflame the Army, and cordially co-operating to those ends? Accumulated facts leave no room to doubt that they were the willing, zealous inſtruments of General Macdowall in his criminal proceeding, and that, without their co-operation, without their transgression of the rules of their office, his purpose would have been frustrated. It is in vain, therefore, that Mr. Petrie and others plead for these officers, the implicit obedience due to the command of a superior, and their *merely* transmitting, in the *usual* way, an order which they did not know to be illegal, and saw no right to queſtion. The legal part of this case is, in our opinion, settled in the

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letter from the Supreme Government to Fort St. George, of the 27th May 1809, which completely answers Mr. Petrie's reaſonings. The cloak of official duty cannot be allowed to cover faction and sedition. Supposing a man desirous conscientiously to perform his duty as Deputy Adjutant General, and to be at the same time equally conscientious to maintain the respect due to Government, and to preserve the subordination of the Army; suppose even such a man to have a persuasion, (hardly indeed to be conceived in this case,) that the principle of military obedience might require him to publiſh a General Order so plainly insulting and inflammatory, would he, on its coming to him from a Commander no longer within reach of appeal, inſtead of carrying it in the firſt inſtance to Government, *as the rule*, (besides the circumſtances of the case,) *demanded of him*, purposely *withhold that communication, not wait* for the *ordinary* means of transmission, but *use extraordinary means* and *extraordinary dispatch* to circulate it to the different divisions of the Army, *before Government could come to the knowledge of it?* It is not conceivable that he would. But that Major Boles acted in this way is proved by the various documents* noted in the margin, to which we beg leave to refer. That, though the Government were willing, in the spirit of conciliation, to overlook his misconduct on receiving any acknowledgment of it, Major Boles refused such acknowledgment, and gloried in what he had done, is also proved; and the subsequent address of the Officers to him is conclusive evidence that they regarded him as a meritorious sufferer for their cause. We therefore consider him to have been an intentional confederate with General Macdowall in ſtirring up sedition in the Army, to have been a grand link in the chain of causes which produced the rebellion, and with some others who promoted the seditious writings which more immediately led to the actual revolt, to be preeminent in the guilt of that lamentable and disgraceful period.

* Military Letter from Fort St. George, 28 February 1809.
Governor General in Council to Dº, 27 May 1809.
Lord Minto to the Secret Committee, 5 February 1810.

The conduct of the Government in reſpect to Col. Capper and Major Boles, considered.

It is true that the suspension of those two Staff Officers appears to have further inflamed the Army, and precipitated their advances in the course of insubordination and opposition; but where did the blame lie? If, as we think we have already proved, it was the duty of Government to preserve itself from degradation and insult, could they, after having moſt juſtly inflicted puniſhment on General Macdowall, who was no longer on the scene, overlook in silence the confederates in his crime ſtill present, and thus leave it to be underſtood, that they were resolute only againſt the absent? It was impossible, without yielding to that seditious contumacy which had brought the queſtion to a trial, whether military intemperance and insubordination ſhould prevail againſt legitimate authority. They were here again ſhut out from any fair means of conciliation, and reduced to one alternative. Upon the sound principles of government and of policy on which Sir G. Barlow and his coadjutors acted, they were necessitated to resist the openly factious and persevering contempt of Major Boles. We have no hesitation in affirming, contrary to the supposition of Mr. Petrie*, that, if the Government, had pursued another course, its authority *would* have been weakened, and consequences produced fatally injurious to discipline and subordination. But Mr. Petrie's mode of arguing in this case, by supposing that to overlook misconduct would not have been attended with certain specified evils, and, in the case of General Macdowall, that his dismission did not produce certain specified advantages, seems to us nugatory and evasive of the essential considerations in queſtion. Supposing that General Macdowall's dismission "did not intimidate nor convince, did not improve the subordination of the Army, nor ſtrengthen the bonds of obedience," &c.† the measure was nevertheless a measure of duty agreeable to the principles of good government: sedition is not to be cured by leaving it to itself, or by yielding to it. The issue only proves that the disorder was inveterate and progressive, needing ſtronger remedies. And we muſt here proteſt againſt that principle on which many now argue, and which lies at the foundation of all the Dissents before us, that is, to charge to the Government the consequences which have followed from its maintenance of its lawful authority againſt military insubordination and arrogance. According to this prepoſterous and pernicious doctrine, the more audaciously a military body advances in the paths of disobedience and opposition, the more culpable is the Government in reſiſting them. And such, in truth, is the import of Mr. Petrie's reasoning.

* Statement, p. 80.

† Mr. Petrie's printed Minute, page 80.

Obliged as we are by a sense of duty to deliver these opinions, we cannot continue

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continue our subject without deploring the aſtoniſhing exceſſes to which the Military proceeded. It was in an evil hour indeed, (to use Mr. Petrie's expression) that they firſt liſtened to the poiſoned diſcourſes of General Macdowall, and the criminal ſuggeſtions of those connexions of his, who, after his departure, by combinations and writings, carried on the infatuated work of sedition which he had begun.

The "Paper" ſubjoined to the Reply of Mr. Grant and Mr. Attell.

Had it even been indiſputable that the Government were wrong in their conduct towards Colonel Capper and Major Boles, it did not belong to the Army to enter into cabals, combinations, and remonſtrances againſt that proceeding. They ſhould have left it to those officers, individually to apply to their ſuperiors, and have patiently referred to their decision. But "from this period," says Mr. Petrie, "to the publication of the order of the 1ſt May, including the space of "near three months, every day produced some new manifeſtation of their feeling, "communicated in letters, addresses, appeals and manifeſtoes. Their writings "breathed a spirit of inſubordination and reſiſtance, which could only be "tolerated on grounds of expediency, policy, or neceſſity."*

* Printed Statement, p. 22.

Among those writings was an address from the officers of the Madras Army, to Major Boles, publicly and ſtrongly condemning the conduct of the Government towards him; settling a provision for him to the full amount of the pay and Staff allowances of which he had been deprived; making, moreover, his cause their own, and undertaking for similar mutual support to be given and received by all officers who might ſuffer through any such exceptionable measures on the part of the *Civil Government.*

Seditious Address of the Officers, to Major Boles.

Another paper, ſtill more remarkable, was a Memorial, or more properly, a threatening remonſtrance to Lord Minto, from the officers, in which all their claims, and those of General Macdowall, are repeated; the conduct of the Court of Directors and the Government is cenſured; the pretenſion to a seat in Council for the "Repreſentative of the Army," and to an independent Military authority, is advanced; and the Governor General in Council is required, in order to save "the extreme criſis of their agitation," to remove the Governor placed over them.†

Seditious Memorial to Lord Minto, prepared by the Officers.

† Note.—If the Government, in writing of the framers of this paper, *had* used the term *conſpirators*, as Mr. Pattiſon seems to say they did, ("charging "and condemning, "*(ſynonymous words "with the Madras Government)* the Officers therein named "as *conſpirators* to ſubvert the Government,") it does not seem that they could be accuſed of much inaccuracy.

The principles and views publicly advanced in these papers, which were circulated for ſignatures in the principal divisions of the Army, have been, on former occaſions, ſo fully conſidered, and are indeed ſo plain, that it muſt be quite unneceſſary to dwell upon them. Military officers combine to ſupport each other againſt the Government which they are bound to obey; they form themſelves into a deliberative body, to arraign and controul the proceedings of their ſuperiors; arrogate Military rights, independent of what they term the Civil power, and, in the moment of profeſſing loyalty to their country, revolt againſt its laws, by requiring the removal of the Governor placed over them by virtue of those laws, with a threat, that if this is not done, they will proceed to act for themſelves.

Mr. Petrie, in his Statement (page 25) treats the demand of removing Sir G. Barlow, as a "wild, extravagant, fooliſh attempt, receiving no ſupport from "the general ſentiments and approbation of the Army." However the attempt may deſerve those epithets, it does not follow that it was not miſchievous and highly ſeditious, had it even been proposed only, as he says, by "some diviſions "of the Army;" but its being comprehended in terms of menace in the Memorial generally circulated, gives a different view of it.

Mr. Petrie † also obſerves, "it was ſatisfactory to find, except in those "*intemperate* and highly *diſreſpectful* productions, there was no apparent "diſpoſition ſhown to diſobey or oppoſe the conſtituted authorities;" that is, we suppose, by open actual reſiſtance to the orders of Government, (of which, however, one prohibited all combinations); but we really conceive, that when an Army had gone so far as to circulate seditious writings, in direct opposition to the Government, and in them, besides setting up many other claims, to demand, that in order "to prevent the extreme criſis of their agitation, their Governor might "be removed," they were well advanced towards open disobedience; and that it would have been unwiſe in the Government to have waited until they had

† Statement, p. 29.

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actually arrived at that extreme. These circumſtances, therefore, muſt be conſidered as very important additions to the "alarming symptoms of an *organized* "*determination* to *compel* Government to grant a redress of grievances," which, Mr. Petrie * says, had been "formed in moſt of the principle ſtations of the "Army," before the 1ſt of May; though such a determination doubtless involved in its principles every other evil, supposing Government not to submit to their demands, which would have more certainly led to its final subjugation.

* Statement, p. 25.

Mr. Petrie's account seems to import, that matters were come to extremity *before* the 1ſt of May. Government certainly thought that diſaffection and ſedition had ſpread so far, as to require immediate measures for their suppression. What hope remained on the side of Government, for rational or honourable conciliation, we cannot discover; but General Gowdie's circular letter of the 5th March, to the Commanding Officers of Divisions, calling on them to suppress all improper addresses and memorials, and his other circular letter on the subject of the address to Major Boles, were intended to prevent the progress of sedition, and the necessity of interference on the part of Government. These ſtrong calls from the Head of the Army had no material effect. The address to Major Boles was forced upon the notice of Government. It was an act of open sedition. The memorial to the Governor General, a ſtill more desperate measure, had been more concealed; and the decided support which Lord Minto was found to give to the proceedings of the Madras Government, ſtopped the progress of it; but, as that Government very juſtly reasoned, those officers who had been moſt active in framing and circulating that dangerous paper, "which had not failed of its "design from any want of boldness or malignity on their part, could not be "considered as any longer fit to be entruſted with the command of men and "arms, which they insinuated the intention of eventually turning againſt the "State."

Suspension of certain Officers, on the 1st May 1809.

† Dissent of Col. Bannerman.

These principles led to the suspensions of the 1ſt May, which were confined to those officers of superior rank, few in number, who appeared by evidence, in our judgment sufficiently conclusive, and of which, though Colonel Bannerman † has arraigned it, no part has, to our knowledge, been disproved, to have been moſt active in the formation and circulation of the Memorial. For the address to Major Boles, Captain Grant, who had oſtentatiously proclaimed himself to Government a subscriber to it, was the only person who suffered suspension from the service. The incontrovertible grounds of these proceedings were explained in the General Order announcing them. The Memorial, it is there said, "is not more "hoſtile to the authority of this Government than to the firſt principles of all "government. It maintains opinions directly adverse to the Conſtitution of the "Britiſh Service, and is calculated to deſtroy every foundation of discipline, obe-"dience and fidelity." And the address to Major Boles is juſtly said to be "in-"compatible with the military character, and repugnant to the fundamental "principle of military discipline and government."

View given in the Dissents of this proceeding.

‡ Particularly those of Sir F. Baring and Sir H. Inglis, Mr. Elphinstone, Mr. Pattison, and Col. Bannerman.

To these proceedings, the accusations so frequent in the Dissents, ‡ of arbitrary and violent conduct in the Madras Government, probably in part refer; but they are particularly arraigned by Colonel Bannerman as "oppressive," and by Mr. Pattison as "unjuſt and impolitic;" as "setting fire to the match already "prepared by preceding aggravations," &c. Surely, gentlemen who accumulate such terms of condemnation on this and other acts of the Madras Government, do not mean that the seditious proceedings which were assigned as the grounds of the measure of the firſt of May were not realities, or that the Government ſhould have taken no notice of them, but have passively suffered sedition to advance from one ſtep to another? They have blamed the course pursued, but no one has intimated what was to be done in such an alarming conjuncture, excepting indeed to appeal to a Court Martial; to which point we ſhall presently speak. It is in vain to resort here to the word *conciliation*, unless concession (and concession at the very worſt time) be really meant. It is sufficiently obvious that nothing else would have produced even a temporary calm.

§ Dissent by Col. Bannerman.
D° by Mr. Pattison.

It is ſtated, as a diſtinct ground of objection by the two gentlemen juſt named §, that the officers accused were puniſhed without a trial, which, according to the conſtitution of the Army, they ought to have had before a Military tribunal. To that

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The question concerning the trial of seditious Officers by Courts Martial.

that proceeding, of which there will hereafter be occasion to take further notice, the same objection has been urged in other Dissents. We muſt own the necessity, and therefore the propriety, of the measure adopted by Government, appears to us very clear. The martial law seems to pre-suppose the great body of the Military, by whom it is to be adminiſtered, to be in a ſtate of loyalty and subordination to Government, and prepared to puniſh the violation of those duties; but the Legislators could not mean, nor can the safety of any Government admit, that, if the Military body in general are engaged in a course of measures hoſtile to the State, it is to be left to those so confederated to determine upon the guilt or innocence of each other. Common sense revolts at this idea, which would require an adherence to the form at the sacrifice of the subſtance of juſtice. Whenever the Military body, which is formed only to serve and protect the State, ſhows unequivocal symptoms of a disposition to reſiſt or controul it, the State muſt have a perfect right to remove that body from its service; and the same in respect to individuals, without even, in their case, resorting to a Court Martial; and ſtill less is this resort to be expected when the offenders, from the generality of the offence, can hardly be referred to judges who may not be parties in the same guilt. This, we presume, is the practice in all countries; and if the propriety of it needed any illuſtration, we have only to look at a large body of the Madras officers soon after, publicly demanding of Government that Lieutenant Colonel Innes, who had maintained his loyalty in the command of Masulipatum, and had been deposed by the revolted officers of that garrison, ſhould be brought to a Court Martial for his general conduct there. In circumſtances such as these, in which the Madras Government and the Madras Army were placed, it is entirely probable that the demand for proof would have been unusually rigorous, the means of furniſhing it, even in cases of certain delinquency, unusually difficult, and the delay great; so that a reference to Courts Martial in such a criſis of extraordinary agitation and reſiſtance to Government, was, in the opinion of the Governor General, more likely to produce triumph than reſtraint to sedition; and the Madras Government felt itself reduced to the necessity of opposing its own power to that of the malcontents, or to expose to subversion that authority with which it had been entruſted.

Observations on the proceeding of Government on the 1st May 1809.

Decided friends as we are to freedom of opinion juſtly exercised upon public subjects, we cannot on this principle help thinking, that, on such affairs as we are now discussing, affairs remote from the observation of persons here, considerable attention is due to the judgment of the Indian Governments. Sir G. Barlow had the ſtrongeſt motives, personal as well as public, to deter him from entering needlessly or wantonly into those scenes of peril in which he has been an actor. He had a much greater ſtake depending, and much nearer opportunities of judging of persons and things than any of those who, in this country, sit in judgment on his conduct; and every authentic information, public and private, satisfies us that those who conceive him to be of a raſh and violent temper, utterly miſtake his character. Mr. Oakes, one of the Members of the Madras Council, is known to be a man of ability who thinks for himself, and Mr. Casamaijor has the reputation of an honourable man and a good servant of the Company. The unanimous judgment of the Bengal Government too, so near the scene of action, and having so deep an intereſt in it, is surely entitled to regard. No responsibility can well be greater than Lord Minto's, in respect to the measures that have been pursued by the Fort St. George Government. He has given them his cordial approbation, has defended them by his reasonings, and beſtowed the higheſt commendations upon Sir G. Barlow. One of the Dissents * indeed takes the extraordinary liberty of advancing, "that Lord Minto's opinion as well as his con-"duct, in upholding and applauding Sir G. Barlow, *muſt be considered as purely* "*political*; as what, in his opinion, would produce the beſt possible effect on the "mind of the Army." But Lord Minto, in all his letters to the Court of Directors and to the Secret Committee, in those written from Bengal as well as at Madras, all of them unknown to the Army, has expatiated, in ſtill ſtronger terms, and with evident pleasure and cordiality, upon the merits of Sir G. Barlow, and has warmly recommended that those merits be diſtinguiſhed by public honours and rewards. By such glosses as this, all facts and characters may be explained away. But if the authors of the Dissent think that the Governor General, "sur-"rounded by a mutinous Army, acted wisely in holding up and applauding Sir

Construction given in one of the Dissents to the commendation bestowed by Lord Minto on Sir G. Barlow; and Observations thereon.

* Sir F. Baring and Sir H. Inglis.

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"G. Barlow, as what, in his opinion, would produce the beſt possible effect on "the mind of the Army," may we not ask whether they think it also wise, whilſt it is too well known the ferments in that Army have not yet subsided, and are likely to be excited again by auxiliary agitations in this country; whether they think it wise in *Directors* to take a quite contrary course, in written opinions intended to be made public, to vilify and degrade Sir G. Barlow and his measures? Will this likewise "have the beſt possible effect on the mind of the Army," or the tranquillity of the country?—The same Dissent represents Sir George Barlow himself as dealing in a way ſtill more extraordinary with his own character, as having "broadly ſtated to the Madras Army," when in the height of rebellion, "that every measure" (meaning obviously every measure characterized in the Dissent as severe, oppressive, &c.) "he had adopted, from the firſt order re- "specting General Macdowall to the unhappy expedient of the 26th of July, "*had directly and immediately been the cause of the increased discontents of the* "*Army, their intemperate remonſtrances, and subsequent acts of violence.*" The scope of the able Paper * here alluded to is directly contrary to all this. It sets before the officers the long series of their seditious proceedings, with a view ſtill to bring them back to reason, loyalty, and obedience. It refers to various means used by Government in the way of counsel, admonition, warning, moderation, and forbearance under ſtrong provocations, to lead them to a sense of their duty, and of the danger of the course they were pursuing. It expresses deep regret that these measures of moderation, these repeated and urgent appeals to the discipline, duty, national attachment, and professional honour of the Company's officers proved ineffectual; that seditious Memorials ſtill continued to be circulated, and sentiments of sedition to be openly declared in many parts of the Army; and then it goes on to ſtate "that the further forbearance of Government "would have encouraged the progress of these evils; that a course of explanation "and exhortation had been pursued in vain, and it became imperiously necessary "to check, by a salutary example of puniſhment, a spirit of insubordination that "threatened the moſt dangerous consequences to the prosperity of the Empire." This example (of the 1ſt May) confined ſtill to a small number of leading offenders, did not arreſt the progress of sedition, which equally resisted measures of forbearance and puniſhment. A syſtematic course of aggression and insubordination, a determined spirit of revolt at length forced the Government to adopt decided measures for the support of its own authority; having only the alternative of pursuing this course, or being guilty of the moſt criminal dereliction of duty in confirming the evils of sedition and mutiny, by submission to a body of men placed by law under its authority.

* General Order, 19 August 1809.

Such is the tenour of this paper, ſtill intended to bring the officers to reflection: but the Dissent would pervert the whole, and place to those measures of prevention, which the aggressions of the officers forced Government to adopt in self-defence; measures entirely approved by the Supreme Government, and known to the Army to be so (though the Dissents in general quite overlook these material facts) it would place to them those evils produced by the inveterate, persevering spirit of sedition and revolt. We hope to be pardoned in some repetition for the sake of illuſtrating this method of judging of the conduct of Sir G. Barlow. It extends to small things as well as to great. We are told by Gentlemen who have not been within 12,000 miles of Sir G. Barlow during all these transactions, "that, excepting in a very few favourites, *in every look and* "*every geſture he perceives treason and rebellion.*"

† Dissent of Sir F. Baring and Sir H. Inglis.

Further Observations on the Government proceeding of the 1st May.

The preceding observations may serve at the same time to convey our sentiments of the measure of the 1ſt of May, to which ſtage of the hiſtory we now come. It appears to us that Government then met an evil which would have become greater by delay, and that they judged wisely in taking this resolution.

The Government might have been run down, and made contemptible and inefficient merely by the continued unpuniſhed licentiousness of the disaffected. They would have rendered more easy the prevalence of military usurpation, the immediate consequence of which would have been the abrogation of all measures of retrenchment, probably the eſtabliſhment of all the extravagant claims of the Army; and the reſtoration of a conſtitutional paramount authority to the Civil power would hence have become a work of great difficulty. It may therefore admit

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admit of doubt, whether the measure adopted on the 1ſt of May was not deferred too long, since, whilſt Government was exercising forbearance, the ſpirit of ſedition was becoming ſtronger. It evidently left no means of fair conciliation on the part of Government, which, on the contrary, ſtates expressly, "that the "General Order of the 1ſt of May could not have been delayed without haſtening the arrival of an extreme criſis."

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It ſeems to have retarded that criſis; but the Hydrabad Subſidiary Force, rejecting the compliment paid to their conduct in the General Order of the 1ſt May, circulated on the 18th of that month an Address to the Army, declarative of their approbation of the ſeditious proceedings which had been adopted by the diſaffected officers, their condemnation of the acts of the Government, and their adherence to the meaſures of the reſt of the Army. Colonel Bannerman * ſays, "the local effect of this meaſure, the Order of the 1ſt May, is diſtinctly marked "upon our records. The portion of the Army, highly complimented in that "Order for its allegiance and fidelity, felt the ties of allegiance diſſolved by this "act of extreme oppreſſion, flew at once into rebellion, and inſtantly demanded "its repeal."

* Diſſent.

Other Objections to it in the Diſſents noticed.

Having already, as we think, vindicated the act and the non-reference of the conduct of the accuſed officers to a Court Martial, the only objection urged by Colonel Bannerman againſt it, we muſt be permitted to ſay, that the "local "effect of the meaſure" ſeems to us unhappily urged, as either proof or illuſtration of the meaſure having been wrong. It is another inſtance of that unjuſt mode of arguing againſt which we have before proteſted; charging upon Government, acting in defence of its own legitimate authority, the rebellious acts to which the officers proceeded. Supposing even the Government to have gone beyond its proper powers on this occaſion, was there not an appeal to the common ſuperiors of the Government and the Army? Were the whole body of officers warranted to combine upon this occaſion to make themſelves judges of the caſe; to judge the ties of allegiance, even of thoſe who did not ſuffer, diſſolved; to make war againſt the Government, and then to dictate the repeal of their act? We do not ſay that Colonel Bannerman means to approve of theſe proceedings; but we muſt be of opinion, that to introduce them in the ſolemn judgment of a perſon in authority, apparently for the purpoſe only of criminating the Government, and in language that may be thought even apologetical, without expreſſing any feeling of that abhorrence which their enormity ought to call forth, is liable to very ſtrong objection. The ſame honourable Director has connected with this article a ſweeping condemnation of the meaſures of Government, recited in their General Order of 12th Auguſt, which he terms "a ſeries of acts "of deſpotic oppreſſion;"—"a ſyſtematic courſe of aggreſſion, and of aggra-"vated indignity:" retorting thus upon the Government the language uſed by it with reſpect to the officers. Aſſertions of this criminating nature, utterly unſupported by proof, introduced long after the general ſubject had been conſidered, and applied to meaſures which all the Indian authorities abroad and at home have approved and ſanctioned, appear to us of a moſt injurious tendency, and entitled to very ſerious diſapprobation.

Government took no immediate ſtep upon this proceeding of the Hydrabad Force. It had a powerful effect on the body of officers; and the example was very generally followed. "Committees of officers were eſtabliſhed at all "the military ſtations. They aſſumed the exerciſe of the higheſt power, and "commenced an active correſpondence with each other, for the purpoſe of "forming and combining their plans of revolt." The oſtenſible objects of the diſaffected officers were a redreſs of alledged grievances (none of which had the appearance of foundation, unleſs the queſtion concerning the diſtribution of places of emolument between King's and Company's officers, which was in reference to the Court of Directors) the obtaining of Bengal allowances, the *diſmiſſal of unpopular officers* from their official ſituations, and the reſtoration of officers who had been removed from ſtations, or ſuſpended the ſervice. The Government of Madras, however, ſay, "there is every reaſon to believe thoſe "projects were conſidered only as preliminary to the accompliſhment of more "extenſive and dangerous views, particularly the ſubverſion of the preſent "Government." The Hydrabad Force, emboldened by impunity, on the 15th June

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June transmitted an Address to the Government, with 186 signatures; in which, after ſtating the impending danger of a separation of the Military from the Civil Authority, and of the loss of the country; and *declaring that the whole Army is united in one cause*, they require that the Orders of the 1ſt May might be rescinded. They had firſt inserted in their paper an intimation that the scenes of Vellore might be re-acted with *increased effect*; but that intimation was afterwards omitted. This Paper of course became known to the whole Army.

On the 25th June the European Regiment at Masulipatam mutinied, and Colonel Innes was put under arreſt by Major Story, the leader of that revolt. The revolted officers received from moſt of the ſtations of the Army applauſe, and promises of effectual support.

Lieutenant Colonel Malcolm, an officer of known talents, and very popular with the Army, was sent to take the command of Masulipatam, in the hope that he might be able to induce that garrison to return to a sense of its duty. He was with difficulty admitted by the officers, but found it impossible to reſtore them to obedience, or, as he thought, to avert the most dreadful calamities, unless all the obnoxious demands in which the officers of the Army were combined and pledged to each other, were granted.

On the 5th of July the Force of Jaulnah prepared an Address to the Governor General of such an intemperate nature, that Colonel Montresor, their senior officer in that quarter, declined to forward it.

On the 5th of July also, the officers of the Hydrabad Force, in a body, refused to permit the march of a battalion which Government had ordered to proceed from that ſtation to Goa, because, "*having united among themselves, and with the "whole Army, they deemed any attempt to divide them deſtructive of that Resolu-"tion*; and that the *assistance of that battalion might soon be necessary to them, "and their attachment they were assured of.*" Orders issued on the 9th of July, for the march of three battalions from Travancore, and for the march of a detachment from Seringapatam to Bangalore, were also disobeyed.

On the 21ſt July, the officers at Hydrabad presented what they called their *Ultimatum* to Government. They required the public repeal of the Order of the 1ſt of May; the reſtoration of every officer who had been removed or suspended; the trial of Lieutenant Colonel Innis * for his general conduct at Masulipatam; the removal from office of the officers of the General Staff; and a general Amneſty for the measures which the Officers of the Coaſt Army had adopted. On the 26th of July, a detachment ordered by Government to march from Seringapatam to Bangalore, refused to move. This might have been known at the Presidency about the 30th.

* Note.—Who had adhered to the Government.

Conduct of the Government upon the rebellious proceedings of the Officers.

The open resistance or revolt of considerable portions of the Army—the combination which united with them, in sentiments and views, other divisions of the Army—the failure of Colonel Malcolm's mission to Masulipatam—and the intelligence received from various quarters, reduced the Government to the alternative of either subduing the officers by force, or making to them the concessions they demanded—"Concessions which," we concur with the Madras Government in thinking, "would have effectually confirmed the spirit of sedition, "have established an ascendant power in the Army, uncontrollable by the "Government—would have ſtrengthened the presumption, contempt of autho-"rity, and confidence in their power, already too prevalent in the Army, have "made that body independent of the law; and, if it had not actually caused "the subversion of the Government, would have reduced it to a degree of weak-"ness which would have led to the moſt fatal disorders." Was conciliation practicable here? It appears that Government ſtill thought of it, but thought of it as out of their reach, in which we muſt agree with them. "Any attempt "even" say they, "for the purposes of conciliation in the exiſting ſtate of "things, would have been productive of equally pernicious effects. To have "endeavoured to conciliate when the conduct of the Army demanded signal "punishment, would naturally have produced the conclusion that our measures "were dictated by a consciousness of our weakness, and would have borne the "appearance of submission to the outrageous conduct and menacing language "of the Army. These considerations derived force from the peculiar nature of "the

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" the demands of the Army—the repeal of Orders for the punishment of officers " who had committed great offences *," &c.

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Matters could not remain in the state they were in, and the Government, having maturely deliberated on the whole of their situation and duty, resolved to avoid concession, being confident they could, by a due exertion of authority, maintain unimpaired the just rights and powers entrusted to them, and that this course " would involve no consequences which were not infinitely less dangerous " to the national interests than those which would have inevitably resulted from " submission to the menaces of a revolted Army." In our opinion the Government judged wisely, and displayed great firmness and vigour, under very trying circumstances, both in the resolution they adopted and in the measures with which they followed it up. One of the first of these was to remove, as far as should be found practicable, disaffected officers from command; to explain to the native troops the ground of this proceeding; and to impress upon them at the same time, the paramount duty they owed to the Government. The particular precautions and directions given for carrying those Orders into effect, may be seen in the Fort St. George General Letter of the 10th September 1809. To accomplish these objects, the officers commanding the principal Divisions of the Army were, on the 26th July, first instructed, after suitable explanations, to require from the European officers under them, a declaration of fidelity to the Government, according to the tenour of their Commissions, and to remove from the immediate execution of duty those officers who should decline such a declaration; their ordinary allowances being still continued to them. The commanding officers were next enjoined to make the proper communications to the native officers.

* General Letter to Fort St. George, 10 Sept. 1809, para. 28.

Declaration of obedience to Government, proposed to officers on the 26th July.

In the circumstances in which the Fort St. George Government were placed no measures could, in our opinion, be more natural, judicious, and unexceptionable than these; and no objections have surprised us more than those advanced against them. " A Test," says Colonel Bannerman †, " *pre-supposing disaffection and* " *seditious combination*, was consequently useless if the supposition was true,—a " gross injury and insult, if unfounded, and productive of no consequence but " the subversion of discipline by the removal of the officers from their men, " and the further excitements in the native troops of agitations." He adds (very truly) " that the public Records do not contain the details which might be " required to establish this objection;" but says, " the Government Gazette ex- " hibits only 150 names as taking the Test, out of a body of 1,300 officers;" and then complains of the " absence of public documents," denouncing the Government " for calling on the Court to decide on its garbled statements, and " withholding the series of documents which would have led to opposite results " and conclusions." The same objection as to the number of signatures is made by Sir F. Baring and Sir H. Inglis ‡: they speak also of " the unhappy ex- " pedient of the 26th July," and say " the bond of union between the officers " and Sepoys has been too roughly treated for such delicate machinery." Mr. Elphinstone § is afraid " Sir G. Barlow has ruined and disorganized the Army"— " he has shown the native troops," says that honourable gentleman, " our weak- " ness and their strength—has placed the European officers in a disgraced situa- " tion before them," &c. We shall briefly observe, in answer to these objections, that the proposal of a Test did not, as Colonel Bannerman assumes, suppose universal guilt or universal innocence, but a seditious combination of many indiscriminated individuals; and that as in such a case nothing can be more obviously just and proper than to distinguish the guilty from the innocent, so it cannot be an insult to any man to desire that he will do what is his duty, that is, to declare himself. Whilst the public documents were not arrived, Colonel Bannerman could not know that those sent home were " garbled," nor that the full series would have led to opposite conclusions. The documents in regular series are since come; they lead to no opposite conclusions. Those first received prove not to have been " garbled;" the implied intention, therefore, to withhold the Records is found to have had no existence, and the delay to have been owing to other causes.

Objections stated in the Dissents to that measure, and Answers.

† Dissent, Objection 5th.

‡ Dissent of Sir F. Baring and Sir H. Inglis.

§ Dissent of 24 April 1810.

If the number of officers who signed the Test or Declaration of Obedience was comparatively small, (though we doubt the accuracy of that stated in the

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Diſſents) of ſo much greater importance was the meaſure, ſince the ſpeedy effect of it under the over-awing preſence of King's troops was to remove the diſaffected officers from all the centre and ſouthern diviſions of the Army; from the corps in the ceded diſtricts; in Travancore, Malabar, Canara, and Bangalore; and the native troops at all thoſe ſtations profeſſed their loyalty and attachment. These effects were the main objects of the meaſure; and they diſconcerted, at once the counſels of the ſeditious Committees, and ſignally contributed to render the cauſe of legal authority triumphant. Nor could officers reaſonably complain of not being entruſted by Government with an authority they would not promiſe to uſe in its ſupport. With reſpect to the native troops, if inconveniences ariſe from the appeal of Government to their loyalty, thoſe inconveniences are wholly to be charged to the officers who rendered it neceſſary for Government to make that appeal. No propoſition can be more intolerable than that the officers ſhould, on any pretence whatever, be allowed to retain a power of deluding or ſeducing the men placed under their command, into rebellion againſt the Government that pays them, and to whom they owe allegiance. No evils apprehended from undeceiving the men could approach to this: and the example of the great Lord Clive, with whoſe judgment and experience it can be no diſparagement to the objectors to ſay that their's are not to be compared, ought to be deciſive on this point. In the mutiny of the European officers in 1766, he not only informed the native troops of the true ſtate of the caſe, but employed them in ſeizing and putting ſome of the officers in confinement; and none of the evils predicted from the late milder proceeding followed. The meaſures of the 26th July were, in a word, calculated both to uphold the juſt authority of Government and to prevent the horrors of a civil war.

Mr. Petrie's Account of the points in difference between him and Sir George Barlow, examined.

But it muſt be concluded they were among thoſe which, Mr. Petrie ſays, *in his Minute*, he repreſented in *converſation* with Sir G. Barlow to be, in his opinion, "inapplicable, hazardous, and totally diſproportioned to the object and to the "magnitude of the emergency." It may be proper, therefore, at this advanced ſtage of the tranſactions to attend to the obſervations he has recorded. "I "thought," ſays he, "that, rather than conciliate the Army, we were endan-"gering the ſecurity of our Indian Empire. To Sir G. Barlow it ſeems to "have appeared that, almoſt under any circumſtances, conceſſion muſt be the "greater evil; whereas to me it ſeemed a feather when placed in the ſcale "againſt the revolt of the Army, a civil war, and the probable loſs of the "country." "He (Sir G. Barlow) thought it better to riſk an immenſe ſtake, "an Empire, than reſcind an Order. I wiſhed to yield to form rather than "endanger the ſubſtance."

In the contraſted view here exhibited of the opinions of Sir G. Barlow and Mr. Petrie, we think there is a miſrepreſentation eſſentially unjuſt. It is evident from the whole current of the public documents from Fort St. George and Bengal, that Sir G. Barlow, the majority of his Council, and the Government General, did not mean to contend, nor did actually contend, for punctilios or forms but for intereſts of the higheſt importance; that the queſtion with them was not between "hazarding an Empire and *reſcinding an Order*" or "yielding a form," but between ſurrendering the lawful authority of the Civil Government and reſiſting military domination; that they did not maintain conceſſion *under any circumſtances* to be the greater evil, but *ſuch conceſſions* as were required, *under the circumſtances in which they were required*; and that the Government acted not as it did "*rather than conciliate*," or in the belief that they were *hazarding the Indian Empire* by reſiſtance, but becauſe they ſaw no means of conciliation except conceſſions which would have expoſed that Empire to the greateſt dangers.

We cannot allow to Mr. Petrie, that the refuſal of conceſſion or the probable loſs of the country was the alternative Government had before them: and we think, moreover, that Mr. Petrie has taken for granted a propoſition of immenſe importance, not to be conceded without proof, of which an atom has not appeared—that, "in yielding" (what he calls) "the form, the ſubſtance would "not have been endangered." After clearing away theſe incumbrances, the plain queſtion comes to be, whether, under a comprehenſive view of all circumſtances,

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cumſtances, reſiſtance was to be chosen by the Government rather than conceſsion? We have already given the reasons which have determined us to vote with all the Indian authorities in the affirmative.

Progreſs of Rebellion—

The plan of this Paper does not require us to trace minutely the progress of the rebellion: and we are glad to be exempted from the afflicting details of open revolt in different corps in the Army; of the seizure of public treasure in various places; of one actual conflict in the field, to which the Company's Sepoys had been led by the deluding information of the officers, to the sacrifice of many lives; of the unworthy arts used by the officers to keep the Sepoys ignorant of the real ſtate of things, to prevent the Proclamations addressed to them by Government from reaching them;—to perſuade them that Government entertained designs againſt them;—and of the operations which the revolted officers either attempted or seemed to have in view againſt the public authority. It is a more pleasing taſk to advert, though briefly, to the syſtem of measures * by which a wise and energetic Government, unappalled by the moſt threatening dangers, cruſhed a widely extended rebellion before it could bring on the horrors of a civil war.

Fort St. George General Letter, 10 Sept. 1809.

* Fort St. George General Letter, 10 Sept. 1809.

And of the measures opposed to it by Government.

The Orders of the 26th July, so much decried by some, had the effect of securing the services of all the native troops to the southward of the river Kiſtnah, with the exception of the garrison of Seringapatam. The King's troops, to their laſting honour, had been ſtedfaſtly loyal; and reinforcements had been obtained from Ceylon and Bombay, which considerably increased their numbers. The only troops in rebellion which could oppose reſiſtance in the field, were those at Hydrabad, Jaulnah, and in the northern division of the Army. For many reasons it had become important to reduce these troops at the earlieſt moment; and very able and powerful arrangements were made for this purpose. A public Proclamation, addressed to the native troops on the 3d of Auguſt, at length made an impreſsion on the corps at the ſtations juſt mentioned, where the Sepoys had hitherto been kept in ignorance and delusion. The choice of Colonel Close, whose weight of character is so great among the Natives and Europeans, to command at Hydrabad, and his intrepid and maſterly proceeding during the one day, (the 3d of Auguſt) in which the officers allowed him to exercise his command, had a very material effect in opening the eyes of the Sepoys, to whom at the head of the line, in the midſt of appearances of hoſtility, he explained the real ſtate of things, and their duty and intereſt to remain loyal to the Government. The consequence was that, in a few days after, the native troops at Hydrabad expressed to their officers their determination to adhere to their allegiance to Government: and this occurrence, with the movement of a large force towards Hydrabad, and the declared determination of Government to maintain their authority, presented to the view of the officers their desperate situations. Hence the resident at Hydrabad, in a Letter to the Governor's Military Secretary of the 6th Auguſt, ſtates, that the officers saw nothing but ruin from persevering in their criminal course, and that, in his opinion, a general amneſty would induce them to return to their allegiance.

In reply, the Resident was informed that there was no intention on the part of Government of liſtening to any terms but unconditional submission to authority; and, on the 11th Auguſt, (probably before the answer to the Resident could have reached that place,) all the officers of the subsidiary force at Hydrabad spontaneously signed the Declaration of the 26th July, and offered their unconditional submission. This example was followed by the forces at Masulipatam, Seringapatam, and Jaulnah, which completely terminated the revolt.

Submission of the revolted officers.

Their submission not owing to the approach of Lord Minto to Madras—

It has been induſtriously asserted and propagated, that the submission of the Officers was entirely owing to the approach of Lord Minto to Madras.

Mr. Petrie, in his Statement, (pp. 60—64.) has laboured at great length to eſtabliſh this point, and has taken much credit to himself for predicting the good consequences that would result even from the knowledge of Lord Minto's *intention* to repair to that Presidency. After setting forth the enormities committed by the

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revolted officers, as so many evidences that the system pursued by Government was wrong, and to show that what he is pleased to call "*intimidation and coer-*
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"*cion had completely failed, and that, by a perseverance in the same system, every*
"*reflecting mind trembled for our Empire in the East,*" he adds—"In this
"crisis, on this volcanic ground, the Army received the communication of Lord
"Minto's notification to the Army in Bengal, and of his intention of proceed-
as Mr. Petrie Mr. Petrie's Statement, p. 46.
"ing to Madras, with enthusiastic pleasure. Every measure of violence, which
"had been either adopted or contemplated, was immediately abandoned. The
"force at Hydrabad and the garrison at Masulipatam, who had been the first
"to resist the orders of Government, took the lead in returning to the alle-
"giance of duty and obedience. Their submission was unconditional, but to
"the Governor General, and not to the Governor of Madras. Their example
"has been every where followed."

and the Dissents affirm.

It is not to be wondered at, that gentlemen who adopt the views and representations of Mr. Petrie, should follow him in this instance. "We are distinctly
* Dissent of Sir F. Baring and Sir H. Inglis.
"of opinion," say Sir Francis Baring and Sir Hugh Inglis,* "that the sword of
"revolt was sheathed when the Governor General announced sentiments of
"moderation, justice, and lenity, and not less than 30,000 men who were then
"in opposition to Government, surrendered at discretion." This is a considerable improvement upon Mr. Petrie; for the *men*, probably in all not more than 12 or 15,000, were not "in opposition," but in the dark; and, when they discovered the truth, refused to oppose Government. "All Sir George Barlow's
"firmness," says Mr. Pattison, "could not have saved him, had not Lord
† Dissent of Mr. Pattison.
"Minto's approach led to a hope in the Army,"† &c. "The officers," according to Mr. Elphinstone, "had shown unequivocal signs of a return to their
"duty, and a desire to submit their claims to the Governor General, who might
"be soon expected." This is partly the language of Mr. Petrie's Minute—
"the Army had then manifested unequivocal proofs of returning subordination
"and obedience." But let it be observed, that Mr. Petrie refers here not to Lord Minto's approach, but to the time at which it was proposed to him (Mr. Petrie) to sign an Address to Sir George Barlow—(and here too it will afterwards appear that he was mistaken)—Mr. Petrie, in his Minute (laid before the Board) does not say one word of effects produced by Lord Minto's approach, on which he so much enlarges in his *Statement*; a paper, which, as we are now about to take leave of it, we must declare to be, in our opinion, of a very mischievous tendency, but of which the publication is, we conceive, to be ascribed to his friends rather than to himself.

Nothing indeed could be more adverse to Mr. Petrie's whole theory and conduct, respecting the commotions in the Madras Army, than the triumph of the system pursued by Sir G. Barlow. It is not unnatural, therefore, that he should be disposed to ascribe the successful result to another cause. But a recurrence to facts will show that they are at irreconcilable variance with his representation.

In the first place, the Letters of the Bengal Government of the 20th February and 27th May 1809, which were published to the Army of Fort St. George, and in a style admonitory, authoritative, and impressive, fully set forth Lord Minto's sentiments of the insubordinate proceedings of the officers; and the motives of duty and obedience which ought to regulate their conduct, had not the effect of stopping the progress of sedition among them; nor had his more pointed private
‡ See his General Letter, 12 October 1809, para. 40.
communications to some of the suspended officers,‡ which must probably have been made known to the Madras Army, any better success. Lord Minto's General Order of the 20th July, announcing his intention of proceeding to Madras, is therefore the first document on the present subject to which Mr. Petrie and the authors of the Dissents can refer. This General Order was written when Lord Minto had heard of no other act of open disobedience in the Madras Army than the deposition and imprisonment of Colonel Innes, commanding officer at Masulipatam; and it dwells particularly on that affair. It was not framed, therefore, with the knowledge of any subsequent events. It must have reached Masulipatam long prior to the 7th August, and its effect may be seen by an Address of that date from the officers who usurped the command there. Conceiving

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ceiving that Lord Minto meant to hold forth conciliation to them upon their own terms, they considered his General Order as conſoling; but they ſo little knew what became the ſituation of the Governor General or their own, that they inform him, the *violent, oppreſſive, treacherous* conduct of the Government of Fort St. George to their brother officers has led *them* to take meaſures for *their own* ſecurity:—they accuſe the Government of *ſeducing the attachment* of the *native troops from* their *European officers*, which they denominate *a ſpecies of treaſon* againſt the nation, and an act of the *greateſt treachery* to them, which has deſtroyed all confidence, and warranted their precaution againſt further efforts of the ſame kind:—They ſay that the *redreſs required by the Army*, to retrieve them from that ſtate of degradation into which they were plunged by the Order of the 1ſt May, *is abſolutely neceſſary*. Such were the firſt fruits of Lord Minto's General Order. The garriſon of Maſulipatam continued in rebellion till the 16th Auguſt, when the officers having received intelligence of the ſubmiſſion of the Hydrabad Force, Major Storey and Captain Andrews ſtated, in a letter addreſſed to General Pater, that the time was arrived when they found that they could no longer oppoſe the authority of Government without injury to the intereſts of their country. Let us now enquire into the effects of Lord Minto's publication in other places. It might arrive at Madras about the 6th Auguſt; and as the ſeparation of the Bengal Poſt to Madras and Hydrabad takes place at Maſulipatam, and the diſtance is 120 miles leſs to the latter than to the former ſtation, the preſumption is, that Lord Minto's Order of the 20th July muſt have been known as early at Hydrabad as at Madras. On that very day, the *ſixth* of Auguſt, Captain Sydenham, the Reſident at Hydrabad, informs the Government, that the officers there look on their affairs as deſperate, and are deſirous of ſubmitting upon an amneſty. It was not, however, until the 11th of that month that the ſubmiſſion of the officers of the Subſidiary Force was declared, when they ſolicited an amneſty from the Governor General, and circulated information of this proceeding to the ſeveral ſtations of the Army, and earneſtly entreat their brother officers to follow their example. They do not aſſign the expected approach of the Governor General as any reaſon for their conduct; but ſay that *imperious circumſtances and mature reflection* had induced them to ſign the declaration. The Jaulnah corps received this information on the 15th, when actually on their march to join the Hydrabad Force, and when Lord Minto's approach could be no ſecret: but though they were, in conſequence of the reſolution of the Hydrabad officers, compelled to ſubmit alſo, yet it is a generally reported fact, that they were ſo offended with the conduct of thoſe officers, as for a long time afterwards not to be on ſpeaking terms with them. On the other hand, though the knowledge of Lord Minto's approach muſt have reached Seringapatam in four or five days after it came to Madras, that is, about the 12th at the lateſt, yet it was the 23d before that garriſon ſurrendered, and then only on finding the other revolted corps had ſubmitted; ſo that when we examine the conduct of the four principal revolted ſtations of Hydrabad, Jaulnah, Maſulipatam, and Seringapatam, the officers of the firſt were influenced by *imperious circumſtances*, and the other three did not ſubmit till neceſſity alſo compelled them. Thoſe "*imperious circumſtances*" are explained by the Madras Government,* as already intimated, to have been the refuſal of the Native Troops to act with the diſaffected officers at Hydrabad, and their inability, even had the Native Troops better ſupported them, to meet the force collected againſt them. To this account Mr. Petrie has ſet his hand, without recording any counter-declaration. And the ſtatement given by Lord Minto himſelf, extremely different from Mr. Petrie's, muſt finally ſettle the queſtion.† "Many aſſurances," ſays his Lordſhip, "had reached me "(in Bengal) that my arrival would be the ſignal of ſubmiſſion; and although "I might reaſonably ſuſpect that ſuch a diſpoſition, if it exiſted, might be "founded on expectation of conceſſion, which I ſhould certainly have diſappointed, yet it did not ſeem impoſſible that men advancing by ſuch rapid "and alarming ſtrides to their own deſtruction, ſhould catch at the pretence of "a new authority, in order to retreat from the fearful courſe they were purſuing, "with ſome ſalvo for their pride." His Lordſhip adds, as another motive, the unjuſt malignity of the officers againſt Sir G. Barlow, and the following paragraph, aſſigning the genuine reaſons for their addreſſing their ſubmiſſion to the

* General Letter, 10 September 1809, para. 145.

† Lord Minto's General Letter, 12 October 1809, para. 43—46.

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Governor General. "It happened that this paper (the General Order of 20th "July) reached the Hydrabad Subsidiary Force and some other ſtations of the "Coaſt Army at the critical period already referred to, when the officers began "to waver in their designs; and the laſt paragraph appears either to have "favoured the new diſpoſitions to *which other and more cogent reasons had* "*given birth*, or to have been employed as an additional means of perſuaſion "by those who wiſhed, late indeed, *but earlier than the reſt*, to abandon "themſelves and recal others from the dangerous and fatal courſe they were "running."*.

The "critical period" alluded to in this paſſage by his Lordſhip, is deſcribed in the preceding part of the letter, to have been that which ſucceeded the ſeveral effectual meaſures above noticed, of the Fort St. George Government, for the ſuppreſſion of the revolt, which his Lordſhip explains at ſome length. We ſhall give but one ſhort extract from this part of the letter. "The final and unqua- "lified ſubmiſſion of the revolted officers has been more immediately brought "about by the wiſe energy of the later meaſures, the object of which was two- "fold: firſt, to ſeparate the faithful from the diſaffected; ſecondly, to withdraw "the Native Troops from the controul of officers who were in open rebellion, and "to replace the Company's Army at the diſpoſal and under the orders of "Goverment."

* See alſo much more to the ſame purpoſe, and very apposite to the preſent point, in para. 66 to 75 inclu- ſive, of this Letter.

After explaining the object of theſe meaſures, his Lordſhip goes on to ſtate the influence produced by Colonel Cloſe's effort, "All that Colonel Cloſe had "it in his power to do at Hydrabad," ſays Mr. Petrie, "had no more effect in "reclaiming the refractory officers, than in producing the revolution in Portugal." His Lordſhip gives a very different account. "The natural effect of theſe cir- "cumſtances was much enhanced at the principal ſtation of the Hydrabad Sub- "ſidiary Force, by the appointment of Colonel Cloſe to that command, and by "the courageous and vigorous attempt he made in the very face of revolt, to "detach the Native Battalions from their officers. He was overborne, it is true, "on the ſpot; but the impreſſion appears to have been made, eſpecially on the "Native Officers, and to have afterwards matured itſelf into diſpoſitions which "increaſed the alarm of the officers."

Mr. Petrie himſelf has ſubſcribed to a ſimilar account in the Fort St. George dispatches.

† General Letter of 12 October 1809, para. 17.

We ſhall cloſe this article with another more general and very deciſive teſti- mony from Lord Minto.† "But my ſatisfaction was much increaſed by the "important circumſtance of this reſult having been obtained by the counſels "and reſources of Fort St. George itſelf, that is to ſay, the very Government "whoſe power had been defied. This ſentiment ſtruck me forcibly in the firſt "moment, and has been confirmed by every hour's reflection ſince. I have "thought it, indeed, of ſo much moment to the public intereſts, that, in "addition to the pleaſure I perſonally feel in doing juſtice to Sir George "Barlow's public merits, and to my ſtrong ſenſe of the ſignal ſervices he has, "on this trying occaſion, rendered to his country, the circumſtance to which "I have alluded has become a freſh motive to mark, as I have been careful to "do, in every public document that has a reference to theſe events, the obvious "and deciſive influence of his character and meaſures, in producing that happy "iſſue which is the ſubject of the preſent communication." Thus the magic influence, the inſtantaneous effect which Mr. Petrie aſcribes even to the report of Lord Minto's approach to Madras, is completely diſſipated and deſtroyed by the concurring force of irreſiſtible facts, and of the teſtimony of Lord Minto himſelf.

Concluding Obſervations on the origin, progreſs, and termination of the Revolt of the Madras Officers.

We have now gone through the review which we propoſed to ourſelves, of the origin and progreſs of the diſputes between the officers of the Madras Army and the Government of that Preſidency. And we truſt that it has been demon- ſtrated, by the great body of facts and evidences which we have produced, that the aggreſſion did not begin on the part of Government, but on that of the officers; that the progreſs of diſaffection and hoſtility among the officers was owing eſſentially,

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essentially, not to the want of conciliation in Government, which acted constitutionally in defence of its own rights, but to an inveterate spirit of insubordination and pretension, which seditious acts had inflamed, in the officers, who aimed at unallowable or illegal objects by criminal means; and that the suppression of the revolt was effected by a wise and vigorous application of the resources of the Fort St. George Government.

Of the many instructive lessons which the history of this remarkable affair furnishes, lessons which we trust will not be disregarded, it may be permitted to us to advert to one or two connected with the scope of this Paper: the first is *the importance of maintaining in unimpaired vigour the authority of our Indian Governments.* Ever since we have possessed territory in India, there has been a disposition in the European body there, particularly the military officers, to enlarge their own powers and privileges. The great Lord Clive was very early sensible of this truth, and, in the year 1765, thus delivered his sentiments upon it to the Court of Directors: "This regulation (to increase the number of military officers of rank) beneficial and necessary as it is, will, notwithstanding, be "productive of one dangerous evil, if not constantly guarded against by the "authority of the Governor and Council, supported and enforced by the higher "powers at home. The evil I mean to apprise you of, is *the encroachment of "the Military upon the Civil jurisdiction, and an attempt to be independent of "their authority. A spirit of this kind has always been visible:* our utmost "vigilance, therefore, is requisite to suppress it, or at least to take care that it "shall not actually prevail. I have been at some pains to inculcate a total "subjection of the Army to the Government, and I doubt not you will ever "maintain that principle." And early in 1767 the same distinguished man, then taking his leave of the Government of Bengal, thinks it important to inculcate the same sentiment still more forcibly, and in relation to the Civil as well as Military servants. "No regulation can be carried into execution, no order "obeyed, if you do not make rigorous examples of the disobedient. Upon this "point I rest the welfare of the Company in Bengal. The servants are now "brought to a proper sense of their duty. If you slacken the reins of Govern"ment, affairs will soon revert to their former channel; anarchy and corruption "will again prevail, and, elate with a new victory, be too headstrong for any "future efforts of Government. Recal to your memories the *many attempts that "have been made in the Civil and Military Departments, to overcome our authority,* "and to set up a kind of independency against the Court of Directors. Reflect "also on the resolute measures we have pursued, and their wholesome effects. "*Disobedience to legal power is the first step to sedition; and palliative remedies "effect no cure.* Every tender compliance, every condescension on your parts, "will only encourage more flagrant attacks, which will daily increase in strength, "and be at last in vain resisted." . . . . . "I repeat, that you must not fail "to exact the most implicit obedience to your orders. Dismiss or suspend from "the service any man who shall dare to dispute your authority. If you deviate "from the principle upon which we have hitherto acted, and upon which you "are conscious you ought to proceed, or if you do not make a proper use of "that power with which you are invested, I shall hold myself acquitted, as I do "now protest against the consequences."

The Legislature since his Lordship's time has, by various Acts, happily and wisely placed a great degree of power in the hands of the administrators of British India; both the administrators abroad and those to whose control they are subject at home. But vigilance and resolution in the exercise of that power are still and ever will be necessary. The maintenance of it in its form and spirit, both in India and in England, is, as we conceive, necessary to the preservation of our Eastern Empire. If the will of the community in India, Native or European, Military or Civil, come, either by compulsion or influence on their side, or by relaxation on the part of Government, to dictate in the choice of public measures and public men, there is an end of the supremacy of this Country and of the Company over India. That supremacy stands or falls, is preserved or impaired, as the local Governments are maintained in due vigour, or decline into feebleness: and all advances to a preponderance of local influence, either by undermining or overawing the constitutional authority of those Governments, must proportionably

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diminiſh their efficiency, and the security of that ſyſtem of adminiſtration on which the welfare of both countries so much depends. There is a tendency in every community, especially of Europeans settled in diſtant dependencies of their mother country, to prefer the local intereſts of those dependencies, to aim at local influence in their public affairs, and to make the voice and opinions of their community the ſtandard of right and wrong in respect to those affairs. Wherever their opinions come in opposition to the local Government, they ſhould be regarded with great caution. Local Governments are to be puniſhed for misconduct, especially that which tends to alienate the affections of the people; but rarely indeed ſhould the judgment of the local community be allowed any lead in this matter. A Governor may render himself obnoxious to the people under him, by a ſteady adherence to public duty, at the sacrifice of the private intereſts of others, and his own popularity; and the consequence may be, a combination to run him down, and, by discrediting his measures or embarrassing his Government, to effect a change. Such an effect would in reality ſtrengthen the local influence, and proportionably diminiſh the power of the Conſtitutional Authorities. The legal authority, therefore, of Government in India, ought to be maintained in its full vigour; not in view to the intereſt of the individuals who may happen to be in the Government, but to the intereſt of the State. The popular voice may speak truth and reason, and there it ought to be attended to; not because it is popular, but because it is juſt. The popular voice of Colonial Eſtabliſhments will generally be for local intereſts. It is certainly the easier and more popular way for a Governor to lend himself to private or partial intereſts when in opposition to those of the public, or to temporize and bend when a ſteady adherence to duty appears to be attended with conflict or danger: and he may then too be tempted to think the moſt convenient way also the safeſt. But when a numerous body is united in the pursuit of important intereſts, particularly when a great body of European Military Officers of our Indian Armies are combined to ſtruggle for favourite objects, they are not to be diverted by words or complaisance. To hold a temporizing conduct is but the preliminary to concession, and concession in such circumſtances is defeat—the defeat of legitimate authority—and the triumph of a body which ought to have whatever is reasonable by voluntary grant, but not even what is reasonable through the inſtrumentality of encroachment or usurpation. In maintaining these sentiments we think we consult the permanent intereſt of the Community, Military and Civil, as well as that of the Indian Governments and of this Nation. We, not less than those who have used the language of indulgence with respect to all the late excesses of the Army, are sincere well-wiſhers to their laſting welfare and fame. We are aware that the malignant arts of a few designing persons, and the raſhness of many inexperienced ones, have essentially contributed to produce the aſtonishing spectacle which has lately been exhibited. We deeply lament the errors of the Military, and wish perfect amity to be reſtored between them and their superiors: but these sentiments do not require, nor can any thing induce us to compromise the unalterable principles of good Government, on the maintenance of which the true happiness of all society muſt depend.

From the preceding doctrine a queſtion naturally arises, concerning the influence which the *unpopularity of any Indian Government* ought to have upon the judgment and conduct of the Indian Authorities at home. It is obviously extremely desirable on various accounts, particularly for the easy transaction of the public business and the satisfaction of those living under the Government, that its character should be popular; but it is obvious also, that popularity ought not to be purchased at the expense of principle or of the public intereſt; and that as it may be acquired by improper sacrifices, so it may be loſt by an adherence to the obligations of duty. When dissensions arise in any State or community, it is to be expected that the party which is in opposition to the Government will represent its proceedings in an unfavourable manner. In such a case, the mere fact of its being unpopular determines nothing. Before that fact is adopted here, as a charge againſt a Government, the causes of the unpopularity ought to be fairly inveſtigated. If the ſtability of the Governments abroad is to depend on the voice of local faction or party, or on the opinions, more or less general, which local communities may be induced to adopt, and not on the reason of things, there is an end of the supremacy of the Executive Body at home. On this account,

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account, even when Governments are wrong, and are seen to be so by the unbiassed sense of those around them, it ſhould be demonſtrated that the Authorities here act from their own deliberate judgment, and not from extraneous influences.

Application of these observations to the case of Sir G. Barlow.

In the case now before us, of Sir G. Barlow, againſt whom the charge of unpopularity is often and vehemently urged in this country, it is manifeſt that the causes whence his unpopularity at Fort St. George has chiefly ſprung, are the affair of Mr. Sherson, the proceedings connected with the Carnatic debts, and the discontents of the officers of the Army. In all these cases, the objects for which he and the majority of the Council contended were public principle and public juſtice, the juſt intereſt and authority of the Company in opposition to private intereſt, which was deeply concerned in every one of these cases. He had also to carry into effect the difficult but necessary work of great retrenchments, which hardly any efforts on the part of a Government can render palatable; and it has appeared what an extraordinary combination of factions he had to reſiſt. He is not, as far as we know, accused of having acted from selfiſh or intereſted views—the charges againſt his personal character respecting chiefly his temper and manner. He is represented as cold and repulsive,* then, (not very conſiſtently) as violent and harſh; and it would seem from all these accounts, as if his manners had no small influence in producing the rebellion. But we do not underſtand that Sir G. Barlow has in fact been impelled, as frequent † expressions in the Dissents before us might lead the reader to conceive, from any thing violent, harſh, or irascible in his character. We are led to believe that he is a man of a calm, temperate mind; and though he is unpopular with those to whose ambition or intereſt his sense of duty has placed him in opposition, or with others influenced by their representations, yet we cannot easily express our sense of the injuſtice done him, when he is described in the language of Mr. Pattison,‡ himself entirely unacquainted with the scene, as "held in execration by a whole Settlement, civil and military;" and by Mr. Elphinſtone,§ who, taking occasion to speak of another gentleman, Lieutenant-Colonel Leith, an officer highly diſtinguiſhed by his talents, and his faithful able discharge of the difficult obnoxious office of Judge Advocate General, is pleased to say, "that "he is a man almoſt as much detеſted as Sir G. Barlow himself." Nor can we forbear remarking here, that it is in papers wherein passages of this nature are not unfrequently found, wherein Sir G. Barlow is charged with *intentionally* keeping back the Records,‖ (when, as it now appears, there was nothing kept back or concealed,**) with monſtrous absurdity, with folly and wickedness;††—that he is also represented, on the ground of his public writings, which, in our humble opinion, are conspicuous for temperate manner and official style, as dealing "in violent malignant invective"—‡‡ "in abusive language without "measure, attacking respectable characters, without either proof or probability "to support his assertions."§§ Though these laſt charges are founded on Sir G. Barlow's writings, of which, as they are now printed, the world will judge, the opinion in general delivered by the Authors of the Dissents respecting his character muſt have been adopted from the reports of others, as these gentlemen themselves have no personal knowledge of him. Those opinions, however, entirely coincide with the representations of his adversaries, as do the views of the transactions at Madras, given generally in the Dissents; which, in our apprehenſion, furniſh a very remarkable inſtance of judging againſt the great mass of recorded evidence, and according to the tenour of anonymous, intereſted, unproved accusation. This appears ſtill more ſtriking, when a fact, which we believe to be undisputed, is considered; namely, that every one of the Authors of those Dissents voted, a very ſhort time before the date of them, for the continuance of Sir G. Barlow as Governor in a new Commission for the Government of Madras.

The view of his tempers and manners, by Mr. Petrie, and in the Dissents.

* Mr. Petrie's Statement.

† Dissents of Mr. Elphinstone, Sir F. Baring, Sir H. Inglis, and Mr. Pattison, } Minute.

‡ Dissent, Mr. Pattison.

§ D°, Mr. Elphinstone.

Some other charges brought against him in the Dissents.

‖ Dissent of Mr. Elphinstone.

** Mr. Pattison.

†† D°, and likewise Sir F. Baring, &c. and Col. Bannerman, as to keeping the Records.

‡‡ Dissent of Mr. Pattison.

§§ D° Mr. Elphinstone.

But after all, Sir G. Barlow appears to have lived in entire cordiality with a moſt respectable part of the community of Fort St. George, including the eminent person who presides in the court of juſtice there, two of the Members of Council, the successor to General Macdowall in the command of the Army, and other diſtinguiſhed servants, Civil and Military, as well as to have carried on the public

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business in great harmony with the Supreme Government and the other Presidencies, and with the Commanders of His Majesty's squadron.

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If, in pursuing through thorny paths, those laudable objects which have been described, he had even somewhat erred in his course, he would still be entitled to our respect; but if, from principle and duty, he has, unswayed by all the influence with which he was surrounded, and unawed by the most formidable combinations any Governor had to contend with, sacrificed so many personal considerations, and hazarded all personal consequences; if he has also, by extraordinary fortitude, energy, and ability, crushed faction, subdued rebellion, and established the just authority and dignity of Government, he has exhibited a high example of public virtue and public service, as honourable to the country as it would be disgraceful to it to reward *such a man with obloquy and condemnation.*

The causes of the removal of Mr. Petrie from Council stated, and that measure justified.

We come now to the question of the removal of Mr. Petrie from the Council of Fort St. George, and the reasons on which that measure was founded.

Concerning the time and manner in which the question was brought forward in the Court of Directors, the circumstances and the motives which led to the introduction of it at that time; the manner in which the votes were given upon it, and an unbiassed majority finally decided for a new Commission of Government, wherein the name of Mr. Petrie was omitted, the late Chairman and Deputy Chairman, in opposition to the representations given in the Dissents, have laid before the Court a justificatory statement, to the accuracy of which, as far as it describes what passed in the sittings of the Court, we must bear our testimony, and we trust it will be found effectually to settle all these preliminary points.

But to some other points, also of a preliminary nature, we must ourselves particularly speak.

The Dissents generally assert, in substance, what has been peremptorily affirmed in print, in the introduction to Mr. Petrie's *Statement*, that he "has been dismissed from his situation in Council, *for no other reason than his having presumed* (in compliance with his duty and with the repeated orders of the Court of Directors to the Members of their different Councils) *to record in decorous and modest language, his dissent to proceedings which he considered to be subversive of the law and dangerous to the public service.*" To this assertion we must oppose the most positive and distinct denial, as we did to the same allegation when first advanced in the discussion in Court. And we must also combat a dangerous principle, which may be implied in or deduced from the unfounded account here given. True it is, the Court of Directors have encouraged and required that the Members of their Governments shall state on the Minutes of Council, in temperate and decorous language, their reasons for dissenting to measures of importance adopted by the majority. We approve of those instructions, and intend to abide by them; but it never was the meaning of the Court of Directors, that a gentleman's recording his opinion in opposition to any measure should exonerate him from responsibility for that opinion, and for the line of conduct followed by him in respect to that measure. Such a construction would afford an easy refuge from the consequences of the most exceptionable proceeding, and destroy one great use of the regulation, which is not only to bring before the Court of Directors all the arguments against as well as those for great measures, but to afford them the means of judging more strictly of the conduct, principles, and talents of every Member of Government. And it is further to be observed on this head, that, in the encouraging the exercise of a decent freedom of opinion, the Court of Directors have utterly prohibited all factious opposition.

We therefore totally deny also the unwarranted conclusion assumed in the Dissents*, that the Councils of our Governments abroad will henceforth be reduced to a cipher, and the Governor possess the sole power, whereby the Government will be rendered arbitrary. The conclusion being deduced from unfounded premises falls of itself: but, besides that the present measure is not likely to lead practically to any such doctrine in India, it will always be true that a Counsellor cannot

* All the Dissents.

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cannot divest himself of responsibility any more in supporting than in opposing the measures of a majority.

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Secondly. It is to be carefully remembered that the real question before us, was not simply whether Mr. Petrie should be removed from Council, but whether he who, through the whole progress of a most arduous period, had opposed that course of measures which the authorities at home have judged to have been proper and necessary, or either of the other two Civil Members of Council, who had uniformly supported that course of measures, should be continued in the Council. There was a necessity of removing one, Sir Samuel Auchmuty, the newly appointed Commander in Chief, having been also nominated to be second in Council, and the whole number of Counsellors being by law limited to three. *The question then was whether Mr. Petrie, who had opposed those measures, or one of the other two Members, both of whom had supported them, should be removed.* The Dissents, in discussing this measure, have introduced, we think improperly, allusions to personal motives which may have biassed in the adoption of it. We trust that we might safely leave our characters to speak for themselves against any allusion of that nature; but in a time of so much misrepresentation, we think it not amiss to declare, each from consciousness for himself, and from belief for the whole, that we have been governed in this affair by the great motives of public duty and public good. "That Mr. Petrie's defence has not been heard," and "that he has been removed on clandestine evidence," we are surprised to see some of the Dissents * asserting, when his Minute is a professed defence, delivered by himself to the Board of Madras, in answer to the charges brought against him by Sir G. Barlow; and when it was acknowledged by some of his supporters, in the discussion of the subject, that there could be no doubt of the authenticity of the copy of that document, laid before the Court under the signature of the Secretary to the Government of Fort St. George. We acted upon the Statement of those charges by Sir G. Barlow, and that defence by Mr. Petrie, not upon anonymous publications of any description, as seems to be idly surmised, nor upon private application, nor to gratify any individual. And as to the objection made, when those documents so authenticated were laid before the Court; "that the "Madras consultations were not then arrived," an objection which was overruled from the exigency of the case, and the apprehended sufficiency of those documents, particularly the evidence from the defence of Mr. Petrie himself, it has been found that those Consultations, since received, contain nothing more upon the subject.

* Sir F. Baring and Sir H. Inglis; Mr. Elphinstone.

The Dissents have also introduced a comparison between the merits and services of Mr. Petrie and Sir G. Barlow. The measure of removing Mr. Petrie, which a sense of duty imposed on us, we adopted with reluctance, but with no wish to say or do any thing which might add to the pain he must naturally feel on such an occasion. Those gentlemen who espoused his cause have, by arraigning that measure, forced us into a defence of it, and hence into an examination of Mr. Petrie's conduct, which we should otherwise have avoided. We think this comparison was still less expedient. Had the arduous task been accomplished of establishing by argument, (a mode which has not been adopted,) that Mr. Petrie was right in the line of conduct he held respecting all the controverted questions, it would still have remained an undertaking of no small difficulty to prove that Mr. Petrie's preceding services had surpassed in importance and merit those of Sir G. Barlow. But we do not feel ourselves called upon to occupy time in discussing a question upon which we confess, without meaning any disrespect to Mr. Petrie, we were not aware, until we saw the Dissents, that the opinion advanced upon it in them had been at all entertained. Only as to the extent of time and the employments in which the two gentlemen have served the Company, we should just observe, that it is indeed above forty years since Mr. Petrie entered the service, but that he has passed only twenty-eight years in India, having been, since his first appointment, four times at home, twice for six years at a time; whence it is natural he should be better known here than Sir G. Barlow, who has never been in England since he first entered the service in 1778, a period of thirty-one years. With respect to employments, Mr. Petrie, after having held several respectable offices for short periods, became incidentally a

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Member of Council for six weeks in 1787. In 1788 the Court passed some animadversion on one part of his conduct in a paragraph to Madras, which was ſtruck out by the Board of Commissioners, and an approbation substituted. In 1789 he came back the third time to England with a recommendation from the Madras Government "that he might be" (not extraordinarily remunerated or diſtinguiſhed, but) "allowed to return to the service when his health ſhould "permit. In 1791 he went again to Madras, with the appointment from home of third in Council and to succeed *pro tempore* to the Government in case of vacancy; but in 1792 he came home the fourth time. In 1798 he returned to Madras with the appointment from England of a seat in Council, and the temporary succession to the Government. In 1802, Mr. Petrie was presented by the Court, as is stated in one of the Dissents,* with the sum of 10,000 pagodas, "as a "mark of the high sense they entertained of his long and faithful services." His time of actual service then amounted in all to about 20 years: and as this present, which was given when Lord William Bentinck was appointed successor to Lord Clive, is quoted to aggravate the alledged injuſtice of his late removal, we muſt fairly say, that if it is intended to adduce the present as a "proof" of the superiority of Mr. Petrie's services, in length or in value, to those of many other servants not so remunerated, a review of facts will not, in our opinion, support the intention. Mr. Petrie has remained in India since 1798; and the course of his service under the Governments of Lord Clive, Lord William Bentinck, and Sir George Barlow, with the ſhort period of less than four months in which he held the Government himself, is sufficiently known. Sir G. Barlow is known to have devoted himself, through the whole of his service, to an uninterrupted course of public labours, by which he has been, ever since the beginning of the year 1787, that is, soon after Lord Cornwallis entered on the Government of India, eminently diſtinguiſhed. In the year 1788 he was appointed to the charge of the Secretaryſhip of the Revenue Department, and held it during all the period in which the great inſtitutions of Lord Cornwallis respecting the Land tenures of Bengal, and the adminiſtration of juſtice were framed. In 1796 he was called to the arduous employment of Chief Secretary to the Government, and in 1802 appointed a Member of the Supreme Government. He has been twice nominated successor to the office of Governor General, has filled that office two years, was removed from it only by His Majeſty's Warrant, and was in 1807 appointed to the Government of Madras. So far are the teſtimonies in favour of Mr. Petrie from being "unprecedented in the annals of the Company"—an expression which surprized us—that, if the public Records are consulted, those in favour of Sir G. Barlow, both from home and from India, will be found more numerous and more ſtrong.

* Sir F Baring and Sir H. Inglis.

Fourthly, As, in the course of the preceding review, we have been led to advert to certain facts and documents which were not under the notice of the Court of Directors when the measure of removing Mr. Petrie was adopted, we desire to be underſtood as not reſting that measure in any degree upon them, but as quoting them only to illuſtrate the propriety of it, and the merits of the general queſtions under discussion. But having, in the same review, taken frequent occasion to deliver our sentiments upon particular points in the opinions or conduct of Mr. Petrie, which are either professed in his Minute, or fairly deducible from it, or are elucidated by other facts publicly known at the time of his removal, we muſt requeſt that, though our observations of that nature cannot be recapitulated here, they may be considered as having then influenced our judgment and as being now urged in support of it. And whenever our conduct in relation to this affair ſhall be examined we proteſt againſt excluding, in the consideration of it, the aforegoing observations, more particularly, though not exclusively, those which relate to the queſtions concerning General Macdowall, Colonel Capper and Major Boles, the discontents of the officers, the suspensions of the 1ſt of May, the Test of the 26th July, and the causes which terminated the revolt.

Fifthly. We ſhall therefore, after these introductory remarks, proceed to ſtate in a summary way, under general heads, the grounds upon which our opinion was formed, and we think is juſtified, that the removal of Mr. Petrie from Council was proper and necessary.

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1ſt. Mr. Petrie was, in our judgment, totally wrong in his whole ſyſtem of policy with reſpect to the officers of the Army. We do not mean that conciliation is not at all times desirable, and ought not to have been preferred if it had been practicable; but that the insubordinate seditious conduct of the officers left no means of conciliation on the part of Government, unless passive submission to insult and degradation be called such, and that these means would only have increased the measure of military usurpation, and rendered the Government incompetent to the proper performance of the high duties entruſted to it. Mr. Petrie, in the whole of his conduct and reasonings, seems not to have seriously taken into his contemplation, the credit, efficiency or security of the Government. He has indeed spoken of "dignity, firmness, moderation," of an "appro- "priate General Order," (which would, as we have ſhewn, have been an act of imbecility) of "producing happier effects at less expense;" and the authors of the Dissents, who have coincided in his views, have held much general language of the same kind: but neither Mr. Petrie nor they have given us the leaſt definite idea of the manner in which he would have acted, had the conduct of affairs been in his hands, unless it were by concession: nor from the nature of the case does it appear that there was any possible mode of action, except by reſiſting insubordination and sedition, or in one form or another, by concession, connivance or passiveness, yielding to them. The ill success of attempts to gain the Army by forbearance, temporizing, and patience under open revolt, was fully exemplified in the conduct of Colonel Montresor, Commandant at Hydrabad, and Colonel Malcolm at Masulipatam. And in fact, it appears that Mr. Petrie looked chiefly to concession. But whilſt no real attention was manifeſted by Mr. Petrie to the intereſt and the character of legitimate authority, he seemed to set no bounds to the lengths to which he would permit the Army to go, rather than enter into serious conteſt with them, nor to consider what the effects of unreſtrained military licence and encroachment muſt be. Whilſt he was alive to infinite dangers on the one side, he seems to have adverted to none on the other, To that the foresight ascribed to him does not appear to have been turned. The officers, on his principles, muſt have had their will; the public disgrace of Government in its compelled rescinding of its own Orders passed for the suppression of open rebellion; the removal from office of individuals, whose merits had rendered them obnoxious to the officers; the eſtabliſhment of the "Rights of "the Army;"—the recommendation at leaſt of Government for the "appoint- "ment of the representative of the Army" to Council; the overthrow of retrenchments, &c. We mean not that Mr. Petrie has said this, but that it would be the result of his syſtem. He thought that if an open conflict was prevented, the grand point was secured; and to obtain this it would seem, for any thing that appears, he would have abandoned to chance all other consequences. "To "my judgment," says Mr. Petrie, "the repeal of every Order passed for the "laſt eight months," (his meaning is probably the same as in his Statement, where he says twelve months) "would be a lesser evil than shedding a drop of "Britiſh blood in a civil conteſt." ... "To me concession seemed as a *feather* when "placed in the scale againſt the revolt of the Army, a civil war, and the pro- "bable loss of the country." He seeks to juſtify his opinion by saying "that "greater Powers than ours had conceded to expediency or necessity." The allusions which it would appear he had in view here, namely, the proceedings of the Volunteers in Ireland, and the mutiny in our Fleet, were cases utterly different, not threatening the subversion of the Britiſh Government; and, in assuming that concession was dictated to the Fort St. George Government by "expediency and necessity," he has begged the whole queſtion. The result has at leaſt proved that concession was not *necessary*. But Mr. Petrie does not appear to have had an idea that revolt could have been successfully reſiſted; and, after he has seen the contrary, he has (dangerously we think) assigned to "great and singular good fortune," what was the effect of the real ſtrength and rational measures of Government. It would seem, indeed, that he apprehended no danger from the largeſt concessions. He thought that Sir G. Barlow hazarded every thing for a form, and that his own course would have secured the *subſtance*. And here it is that we hold Mr. Petrie to have been essentially wanting in the judgment required in the ſtation and circumſtances in which he was placed. It is our decided opinion that Mr. Petrie's syſtem would have sacrificed

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the *ſubſtance*, would have weakened and degraded the Government, and have given an ascendancy to the military power, which muſt either in the end have been opposed with more disadvantage by an open ſtruggle, or have been productive of confuſion and danger, internal and external. The effect of Mr. Petrie's mode of thinking on this subject is not to be confined to his own conduct only. The general tenour both of his sentiments and conduct muſt have been known to the Army and the Public, and without supposing any factious view on his part, have produced an influence prejudicial to the Government. And having not only acted upon, but publiſhed to the world, those sentiments in favour of indefinitive concession to the Army and againſt all serious resiſtance to them, we think it was unfit that a person known to hold such sentiments ſhould remain a Member of Government, in the ſtation too next the Chair, and more especially at a time when unanimity in the Government upon this great queſtion of the line of policy to be held with the Army was so requisite, and when the unequivocal and decided support of the measures of that Government by the Court of Directors was so important.

2d. Upon the principles or opinions Mr. Petrie himself has avowed, his conduct appears to us to have been extremely culpable.

In the month of October 1807, when he was in the Government he ſtated repeatedly and forcibly to the Court of Directors, "that a very dangerous spirit "of insubordination and cabal had lately shown itself in the Army, (which "muſt be dangerous to all armies) which, after the events that had agitated the "Native Army of that Presidency, might lead to consequences of the moſt "fatal nature: and we are satisfied," continues the public letter of his Government, signed by him, "that nothing but a firm determination to resiſt "and to puniſh every appearance of disrespect to the public authority, can "uphold that degree of discipline which is essential to the exiſtence of your "Army."

We hear no more of this language or tone from Mr. Petrie in the government of his successor, although the spirit of insubordination was progressive, originating, as was observed before, from no act of Sir G. Barlow's, and had become oſtensible in cabals, combinations and factious proceedings, before General Macdowall had commenced his public outrages againſt the Government. Mr. Petrie appears wholly to overlook the course of highly insubordinate, factious conduct pursued by that officer, without reserve, among those under his command in the progress of the year 1808; a course of which, as it was generally known, Mr. Petrie could not have been ignorant. And when General Macdowall went to a length no other man had ever ventured upon, in publicly insulting the Government, Mr. Petrie gives the General Order of that officer the mild epithet of *disreſpectful*, is for passing it over without any exercise of *severity*, as he expresses it, to General Macdowall, and, in all the subsequent insults publicly offered to the Government by the officers, he is utterly forgetful of his own declarations, that "*insubordination may lead to the moſt fatal consequences*, and "*that the discipline essential to the exiſtence of the Army cannot be upholden* "*without a firm determination to resiſt and punish every appearance of disrespect* "*to the public authority*." He throughout extenuates the proceedings of the officers, whilſt the language of his Minute throws the chief blame on the Government. Inſtead of hearing any more from him of the necessity of supporting the public authority and the discipline of the Army, he appears to be uniformly for suffering every thing, and yielding every thing, rather than enter into conteſt with the officers, which, as the general tendency of his opinions and disposition muſt have been known, could not fail to animate the disaffected. Perhaps it may be expected, that in juſtice to him, we ſhould notice a diſtinction introduced on this head in his Statement; "that, if turbulence in the Army was "confined to a part, and did not extend to a majority, it was our duty to meet "the case with exemplary puniſhment; but that, if the whole or a great "majority was disaffected to Government, the measures Sir G. Barlow proposed "were totally inapplicable." Upon Mr. Petrie's own reasoning, he is censurable in not joining with Government to suppress the earlier ſtages of insubordination, before it could be said that general disaffection exiſted; but in fact, the diſtinction

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tinction here so broadly ſtated terminates in this; that if the seditions in the Army can only make their combination general enough, they muſt not be reſiſted; a principle which, if Governments were to adopt, there muſt be an end of the ſupremacy of the Civil Power over the Military. "The grievances of "the Army," a phraſe become common among the officers, is a phraſe repeatedly employed in Mr. Petrie's reaſonings, and apparently with a degree of admiſſion; but he enters into no explanation or diſcrimination touching thoſe grievances. Now it is known that the unreaſonable and inadmiſſible claims contained in the very improper Memorial of the officers, preſſed on Government by General Macdowall, made up at leaſt a conſiderable part of their "grievances." Theſe claims, as well on account of their nature, as becauſe they were made in oppoſition to the acts of former Governments in which Mr. Petrie had concurred, or to the acts of the Court of Directors themſelves, it was the duty of Mr. Petrie openly to reſiſt. Inſtead of ſeeming to tolerate their being ſet up, and remaining as grounds of complaint, he ſhould have fairly and publicly expreſſed his diſapprobation of them, in order clearly to inform the Army of his ſentiments on this material ſubject. He could not, to be conſiſtent with himſelf, allow that the claims were founded; nor does it appear that he thought them ſo. He has ſubſcribed to the Fort St. George letter of the 10th September 1809, which ſtates the Army had no grievances; but there is an indiſcriminating toleration and indulgence reſpecting "grievances," viſible in his Minute, very different from his ſtyle in October 1807; and, in the temper and circumſtances of the Army very incongruous to his duty as a good member of Government.

It cannot be doubted, that whatever Mr. Petrie's opinion of the proceedings of Government towards the Army might be, it was incumbent on him to uſe his utmoſt efforts to reſtrain their criminal exceſſes, eſpecially when they were advancing to open inſubordination and revolt. He has mentioned his endeavours with individual officers; and it would have been ſatisfactory to have ſeen ſomething of his correſpondence, and more of his proceedings on this ſubject: but we think this was not enough. In ſo great a criſis, it would have become a man in his high ſituation, and poſſeſſing influence, as he ſays himſelf, with officers, to have interpoſed with them more publicly and zealouſly for the prevention of the evils he feared. Delicately circumſtanced as he was, it would have been proper and uſeful in him to have declared in a public Minute his reprobation of inſubordination and ſedition, and of all agitations tending to them. From ſuch an act, ſolemnly performed and made known by a man whom the Army looked upon as friendly to them, ſome good would probably have reſulted, and, at leaſt, it would have been a defence againſt miſrepreſentation.

We think Mr. Petrie's conduct in Council, and towards the Court of Directors, in relation to the diſcontents of the Army, liable to objection. It does not appear that he fully debated at the Board the meaſures there propoſed; but he refers to private converſations with Sir G. Barlow. On ſuch momentous ſubjects it was, on his own principles, his duty to ſtate his opinions openly in Council. Private converſations are no record; and ſuch an ambiguous courſe of private objection and oſtenſible paſſiveneſs, leaves an opening for maintaining afterwards, according as events turn out, either that meaſures were oppoſed, or that they were acquieſced in. Upon the ſame principles that Mr. Petrie recorded his Diſſents to the meaſures of Government againſt individuals, it was his buſineſs to enter his objections to the proceedings of Government on great queſtions which involved the higheſt intereſts. Unleſs Sir G. Barlow's Minute, written a year after the commencement of the Army agitations, had, with Mr. Petrie's reply, produced explanations, the Court of Directors probably never would have known the opinions or the line he held reſpecting thoſe ſubjects; but ſeeing his ſignature to all the Letters relative to them from the Government, without any counter-declaration, they would of courſe ſuppoſe he acted with his colleagues, unleſs ſubſequent cenſure from the Court ſhould have drawn forth exculpatory information from him; whereas he himſelf admits,* "that the Court will require to "know the cauſes which have expoſed the State to ſuch dangers, and that he has "an opinion of them very different from the Preſident's."

* Minute, p. 11.

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3. We wiſh that Mr. Petrie had been ſo guarded in his conduct, as not to have left it liable to the conſtruction of affording countenance to the factious opposers of Government. Whilſt it is allowed that members of Government poſſeſs the right of maintaining, with decorous freedom, their conſcientious opinions on public ſubjects, even when they differ from the majority; it is alſo to be granted, that however they may oppoſe particular meaſures, it is their duty to uphold the general authority and efficiency of Government, because, when theſe are impaired, the ends of the inſtitution of Government itſelf are ſo far fruſtrated; and, in a time of party violence, and of diſputes between the Government and any portions of the community, diſſentient members of that Government ought to be very careful, that whilſt they adhere to their own opinions, they do not, by their conduct otherwiſe, throw weight into the ſcale of factious oppoſition. We do not think Mr. Petrie has been ſufficiently attentive to this material diſtinction. Supposing it even granted that the ſupporters of Mr. Sherſon, of one party of Carnatic Creditors; of General Macdowall and the ſubordinate officers, were all right as to their particular objects, yet, in going beyond thoſe objects; in combining to revile and run down the Government, with the view, at length apparent, of effecting a change in the adminiſtration of it, they broke in upon the reſpect and reverence due to the ordinance of Government, and acted injuriouſly to the public intereſts. No appearance ſhould have been admitted from whence they or the Public might imagine that all the members of the Government did not decidedly reprobate all tendencies of this kind. But Mr. Petrie's friendſhips and intimacies ſeem unfortunately to have been very much with the perſons in oppoſition to the Government, and to have been kept up after their oppoſition had become general and notorious. We do not ſay that he was to have given up his real opinion of the innocence of any individual, becauſe Government had thought him guilty; but certainly, after ſuch individual had been publicly marked by the cenſure of Government, and had, in conſequence, been raiſed into popularity by the diſaffected as a martyr to the injuſtice of Government, it was Mr. Petrie's duty to abſtain from whatever might be conſtrued to countenance ſuch a ſpirit of faction. But after the ſuſpenſion of Mr. Sherſon, and after his caſe had become a rallying point for the diſaffected, we find, by Mr. Petrie's own account, that he is frequently and familiarly received at his houſe. Mr. Petrie ſays, one reaſon of this was, that he might obtain from Mr. Sherſon himſelf, explanations concerning his accounts, which he (Mr. Petrie) was then inveſtigating for his own ſatisfaction, after the Grain Committee and Government had pronounced Mr. Sherſon guilty. We cannot but doubt, in the firſt place, the propriety, under all exiſting circumſtances, of a private examination of this kind between Mr. Petrie and the accuſed; but muſt not Mr. Petrie have been aware, that the Public could not know of the reaſon aſſigned by him for ſeeing Mr. Sherſon ſo frequently; and that the familiar reception of Mr. Sherſon at his houſe would be interpreted as intended to give him the ſame countenance and ſupport, which he had from a party, becauſe under the diſapprobation of Government? So with reſpect to Lieut.-Colonel Sentleger, Major Boles, and Captain Grant, of whom the firſt and laſt were ſuſpended on the 1ſt May, and Major Boles on the 31ſt January. Mr. Petrie, in admitting that theſe officers occaſionally called upon him, ſays, that "all the objects of his communications with them was through "their influence to allay the alarming ferment which was rapidly ſpreading "from one ſtation of the Army to the other, &c." Now, as here again, the reception given to gentlemen, known to be in hoſtility to the Government, might eaſily be miſinterpreted by the Army, ſo we muſt confeſs that it ſeems an unfortunate proceeding in Mr. Petrie to have choſen, for the purpoſe of allaying diſcontents in the Army, officers whom the Government found it neceſſary to ſuſpend for inſubordination or ſedition; and againſt the firſt of whom, Lieutenant Colonel Sentleger, Mr. Petrie, as we have ſeen before, had, on the 21ſt October 1807, made very ſtrong repreſentations on account of inſubordinate conduct; namely, that he had "placed himſelf in the character of a Defender of the "general intereſts of the Company's Army, and that he was eager to promote "dangerous diſcuſſion; whence Government were impreſſed with the ſtrongeſt "ſenſe of the dangerous tendency of his inflammatory and factious proceedings."

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And afterwards, in the same Letter it is ſtated, "that the dangerous ſpirit of "cabal in the Army had been greatly inflamed by the impunity with which "Lieutenant Colonel Sentleger had hitherto been enabled to brave and inſult "the authority of Government." (Mr. Petrie was then ſenſible that impunity added to inſubordination) "and that he was held up at the principal military "ſtations as the champion of the rights of the Army," &c. Into the defence of Lieutenant Colonel Sentleger, which Mr. Petrie ſeems to adopt, againſt the charge on which he was ſuſpended, we ſhall not here enter, as there will be another occaſion to conſider that charge, and the proofs by which it is eſtabliſhed; but, paſſing over alſo the complimentary ſtrain in which Mr. Petrie, in his Minute, writes of that officer, we cannot avoid expreſſing our ſurprize at his quoting, with apparent ſatisfaction, what Lieutenant Colonel Sentleger had ſtated to him as part of his defence; namely, "that he had endeavoured to "diſcourage in the officers under his command, every idea of *openly* oppoſing "the authority of Government;" though it appears from Mr. Petrie's Statement, that he underſtood this officer, and nearly all thoſe under his command, to have taken *an active part in exclaiming againſt the meaſures relative to General Macdowall, &c. and had ſigned "certain inflammatory papers*;" which is ſomething of the ſame nature as the obſervation Mr. Petrie makes in behalf of Colonel Capper and Major Boles; that the remoteſt intention of *creating a mutiny in the Army*, could not be imputed to thoſe officers.

We certainly could have wiſhed to have ſeen Mr. Petrie actively and oſtenſibly aſſociating with men alſo of another deſcription, known friends to order and obedience, for the purpoſes of aſcertaining accurately, and of allaying the diſcontents of the Army; but even when he learnt from Lieutenant Colonel Sentleger, "that a moſt dangerous combination exiſted in the Southern Army, "to reſiſt the Orders of Government, and to inſiſt on a redreſs of grievances," we do not find that he proceeded to communicate this information, moſt important as it was, to Sir G. Barlow or his colleagues in the Government.

We are indeed concerned to ſee, that Mr. Petrie's defence of himſelf, in anſwer to Sir G. Barlow, does not exhibit him as living in habits of private intimacy and confidential communication with any deſcription of perſons but ſuch as were in a ſtate of hoſtility to the Government, both in the Civil and Military lines of the ſervice. And on the whole of this head, ſo far are we from thinking with the authors of the Diſſents, that Mr. Petrie has refuted the accuſations of Sir G. Barlow, that we are of opinion the facts he has admitted, and very unſatisfactorily explained, eſtabliſh a great deal; that his houſe was open to the malcontents (even after Sir G. Barlow's admonition *, though he might not ſubſequently *have aſked* ſuſpended ſervants to come to it;) that he was conſidered as a friend by all thoſe of that deſcription whoſe names are prominent in that time of commotion; and it muſt be evident, that in a community violently inflamed by the ſpirit of party and faction, in which the courſe held by the ſecond Member of the Government could not be unobſerved, his maintenance of opinions which were alſo held by thoſe hoſtile to Sir G. Barlow, and his oppoſition to the ſame meaſures of Government which they likewiſe oppoſed, might, without much greater precaution than he uſed, be naturally interpreted by the different parties united againſt the Government, as a ſupport and encouragement to their cauſe.

* Minute, p. 22.

Some of the Diſſents † lay much ſtreſs on the declaration of Lord Minto, that in doing juſtice to Sir G. Barlow and the gentlemen who ſupported him, *he did not mean to reflect on the conduct of Mr. Petrie*; but that he thought the conduct of Mr. Petrie wrong, is evident, both from his own oppoſite courſe, and from the paſſage of his letter immediately following the one alluded to; wherein he ſays, "In a caſe of criſis, however, when to place the matter on a broad and general "ground, a ſtrong Government might reaſonably be accounted eſſential (if I "may uſe that phraſe) to the ſafety of the commonwealth, the Diſſent of a "Member of Council ſo conſiderable in ſtation, character and talents, muſt give "additional value to the uſeful and efficient ſupport which Sir G. Barlow and "the public cauſe have derived from Mr. Oakes and Mr. Caſamaijor."

† Sir P. Baring and Sir H. Inglis, and Mr. Elphinſtone.

We, therefore, on the whole of this article, muſt expreſs our full perſuaſion, that the conduct held by Mr. Petrie could not but have been, as Sir G. Barlow

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has ſtated, " productive of serious impediment to the adminiſtration of the " affairs of Government, and of injury to the public intereſts;" and this in a way and to an extent which the maintenance of his own opinions needed not have produced, and for which his right to maintain those opinions forms no valid excuse.

4. The laſt topic to which we ſhall advert, is the refusal of Mr. Petrie to sign the Address, framed by a reſpectable part of the inhabitants of Madras, to Sir G. Barlow.

In order to form a correct judgment on this subject, we muſt look to the general ſtate of affairs under the Fort St. George Presidency, at the time when the Address was proposed, and to the import of the Address itself.

Mr. Petrie, it appears, refused to sign the Address on the 30th July. At that time the danger was almoſt at its higheſt point. It is an essential miſtatement which is made in Mr. Petrie's defence, " that the Army had then manifeſted un- " equivocal proofs of returning subordination and obedience." The facts ſtated in this Paper, and the moſt authentic documents concerning the progress of the revolt, prove the contrary. Colonel Malcolm had but a little before returned from his unsuccessful mission to Masulipatam. On the 30th July, the garrison of Seringapatam broke out into open rebellion. On the 3d Auguſt Colonel Close was driven from Hydrabad. The action with the battalions from Chittledroog, the seizure of the public treasure in the Northern Circars, the mutiny at Ellore, the march of the Jaulnah Force towards the Presidency, all happened after the 30th July; and the firſt indication of returning obedience, which was the submission of the Hydrabad Force, is dated the 11th Auguſt, and could not have reached the Presidency till the 16th or 17th. Thus a great part of the Army was in open rebellion. The allegiance of the reſt was at leaſt queſtionable.

In times of public peril, the mode of addressing the eſtabliſhed Government with profeſſions of loyalty and support is usual and natural. It is proper in Governments, at such times, to accept and even to wiſh for such teſtimonies of attachment. Some of the moſt reſpectable of the inhabitants of Madras, in a crisis big with danger to that Presidency and to India, thought it their duty to adopt a measure of this kind. The Chief Juſtice, a man next in rank to the Governor, and no less diſtinguiſhed by his character than by his ſtation, the two junior Members of Council, the Commander in Chief of the Army, and other conspicuous persons, took the lead. The Address went into no discussion of the measures of Government. It only expressed, on the part of the subscribers, a disapprobation of the insubordination that had recently ſhown itself among the officers of the Company's Army, so dangerous in its tendency, with assurances of support to the intereſts of legal government, and a readiness to devote life and fortune to the maintenance of the public tranquillity.

We would aſk, whether, in the ſtate of things at that moment, when the " sword of revolt" was unſheathed, and the flames of civil war likely to be kindled throughout the country, every man, and especially every public man, was not called to take his line? whether neutrality was any longer consiſtent with duty?—whether any loyal man could possibly take the side of opposition to lawful authority? and whether the Address pledged to more than the support of the Government by law eſtabliſhed, and resistance to the principles of insubordination and disobedience?

On what grounds then did Mr. Petrie refuse to become a party to this Addreſs? He thought " it might increase irritation, and produce an unfavourable effect on " the disposition of the Army, which had then manifeſted unequivocal proofs of " returning subordination and obedience, and that the wounds were beginning " to heal." This reason had not, as already ſhown, the leaſt foundation; there were not any symptoms of returning subordination nor of begun amendment. The principal reaſon, therefore, assigned by Mr. Petrie, wholly fails. He thought also " that such a public manifeſtation of the sentiments of *a part* of the settle- " ment, so ſtrongly expressed,"—(the expressions are, in our opinion, remarkably temperate)—

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temperate)—"could do no possible good, but might add to the difficulties which "ſtill opposed the recalling a considerable part of the officers to their duty." As it appears from various documents that the officers were conscious they were acting a moſt criminal part, it is far more probable that the public erection of a ſtandard of duty and loyalty muſt have ſtruck them with a deeper sense of their criminality, and made their perseverance harder to themselves. The difficulties ſtill "opposing the recal of many of the officers to their duty," is an idea growing out of the preceding groundless supposition of "*unequivocal proofs of returning* "*subordination*," and fails with it. What means, or what probability appeared of recalling the officers, then remained, unless to convince them that they had not the power of overawing and controlling the Government which they believed themselves to possess? That only a *part* of the Settlement signed the Address—(many more might perhaps have signed it if Mr. Petrie had set an example)—is, in our opinion, an unsound argument, although it is adopted in some of the Dissents; * for it is precisely in times of faction and division that such Addresses are pertinent. But does the duty of supporting legal government, depend on the numbers that may concur in that object? The duty surely attaches to every individual, whether he has many or few to act with him; and if, on the occasion in queſtion, but few were found, the greater was their honour, whilſt those who refused to join them, were, in our opinion, highly culpable. Mr. Petrie, in the way of objection, alludes to "the *means of obtaining* signatures;" and one of the Dissents † explains this as if the author of it has been an eye-witness, by saying "the Address was carried from house to house" by an officer whom he is pleased to stigmatize, and who, according to him, "flattered and threatened as he judged "moſt likely to prevail;—to some he held forth promises of the Governor's "favour;—others he threatened with his higheſt displeasure." On this passage we would observe, that there is not the leaſt veſtige of authority for it in the public Records, which the honourable writer himself has made the only ſtandard by which our decision ſhould be regulated; nor is it even supported by the slighteſt ſhadow of that "*ex parte* evidence" which, he observes, "ſhould not "be implicitly believed:" and we cannot say how unwarrantable appears to us the whole of this attack not only upon a very deserving officer, to whose character we have already done some juſtice, but on the highly respectable individuals who signed the Address, and indeed on the loyal measure of ſtanding forth in defence of lawful government. This honourable Writer further says, "that if any good consequence could have been expected from an Address, a "meeting should have been called, and the Address voted publicly." This certainly would have been a moſt pernicious proceeding. We apprehend it was perfectly competent to any individuals, to set their names to a paper promising support to the conſtitutional authority, at a time when it was threatened with subversion; but for the inhabitants of Madras to assemble collectively in order to debate or discuss any of the measures of Government respecting the Army, would have been to assume a very dangerous power to which they had not the leaſt right, and to open a theatre for all the clamours and abuse of faction, to the ſtill deeper injury of Government. Or if, in such an assembly, it were proposed to vote upon any queſtion, the real import of which, however worded, ſhould be whether the legal Government should be supported or not, it would be something like treason. Mr. Petrie has appealed to the *result* of the Address, which he says, inſtead of ſtrengthening the hands of Government, reſtoring harmony, mutual confidence, &c. &c. increased animosity and contention. This mode of arguing from consequences, (to which he has elsewhere objected), seems to require effects from the measure which it never could be expected to produce. The disaffected were not likely to be reclaimed by the Address; nor is it a wonder that those whose policy it was to await events without taking a decided part, ſtill wiſhed to find excuses for not committing themselves, and at the same time to have their refusal to sign the Address considered as no decision againſt the Government. But whatever real friends of Government concurred in the refusal, were injudicious friends; and the conduct of all these descriptions of persons does not impeach the propriety of the measure of an Address, nor the mode in which it was conducted, by obtaining signatures, being indeed the only mode that was open. It was ſtill a noble teſtimony to the principles of order and loyalty, and ſhewed a band of the very beſt subjects under that Government to be devoted to its support.

* Sir F. Baring and Sir H. Inglis, and Mr. Elphinstone.

† Mr. Elphinstone.

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If there was a want of attention to Mr. Petrie, as he complains, in not firſt consulting him upon the measure, it lay with the movers in it to answer that minor objection, which certainly could weigh but little in a queſtion of ſo important a nature. It is urged in Mr. Petrie's defence, that though he refuſed to sign the Address, yet he afterwards ſtated that, "if the Government in Council, "or the general sense, attached any beneficial importance, to the public intereſts, "or that it could effect the peace of the Settlement, mislead any one, or prevent "mischief, it would be his duty to yield his opinion to theirs, and affix his "name." But the value and importance of Mr. Petrie's signature depended on its being spontaneous. He had, "after mature and serious consideration," ſtated his reasons why "he could not, with propriety, give the Address his "signature;" and he ſtill "thought his reasons juſt." A signature affixed at the desire of Government, under all these circumſtances, which could not be unknown, would have been deemed an official act, not the offspring of his own judgment and inclination, and would place the Government in the light of soliciting a countenance, which, given in that way, would, after all, do them little or no good. We do not, therefore, wonder that Sir G. Barlow avoided going into the subject with Mr. Petrie, and left him to act according to his own judgment. The offer of Mr. Petrie, as above quoted, seems, however, to indicate some apprehension, at leaſt in his mind, that his signature might be of importance; and we find it very difficult to conceive that he muſt not have been sensible a declaration like that contained in the Address, voluntarily made by him in conjunction with other diſtinguiſhed characters, would have produced a beneficial effect upon the minds of the officers.

At any rate, being called to it as he was, he had this plain queſtion before him —whether he, the second Member of the Government, ſhould appear to the Army and to the world as one of those determined and pledged to support the lawful Government againſt insubordination, or as one of those who declined to give such a pledge, and to make such a declaration. He chose to appear in the latter class; and let it be recollected this was at a crisis when the officers were in actual rebellion againſt the Government, and civil factions were also opposed to it. Let it be recollected also that Mr. Petrie excused his not entering any Dissent to certain measures which were supposed to have had an influence in producing the Vellore mutiny, because he would not have it appear that there was any difference among the Members of Government at so critical a conjuncture. Muſt he not then have been perfectly aware of conſtructions unfavourable to Government, which would be put on his present conduct? What was the loweſt interpretation that would be made of this proceeding by the officers? We conceive this—that he was not to be considered as acting with the Government in their principles or measures respecting the Army; that he bore with all the officers had done, even to the horrible crime of turning their arms againſt the Government, and seizing the forts and treasures of the Public; that he did not ſhut out treaty with them upon the basis of their own demands, which included reſtoration of officers dismissed for sedition, &c. to which treaty a general amneſty must, of course, be preliminary; that, therefore, he was not disposed to resort to the military means, (ample as they were,) which Government had for its own protection; but, in ſhort, looked only to a present compromise or rather treaty, of such kind as could be obtained, including probably a reference to the arrival and decisions of Lord Minto, who had already declared himself againſt the whole syſtem of the officers, or a reference, concerning points already in effect yielded, to the Court of Directors, who would thus be brought into the greateſt embarrassment, whilſt it would have left the Fort St. George Government in the moſt humiliated ſtate, and the officers full leisure to consolidate their dangerous ascendancy.

This course was really, according to all the explanations of Mr. Petrie himself, the one for which he was an advocate: but, in the temper and ſtate of the Army, it appears to us that it necessarily involved an abandonment of the juſt principles of all Government, of the authority, credit, and efficiency of the Madras Government, of the proper control of the Army in future, and thence an abandonment of the higheſt intereſts of Britiſh India.

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We therefore thought, and ſtill think, that Mr. Petrie eſſentially failed, on this important occaſion, in the duty which appertained to his ſtation; that the Court of Directors were conſequently called upon to mark publicly and ſtrongly their diſapprobation of conduct like his; and that, on this and the other grounds which have been ſtated in the preceding pages, it was juſt and proper to remove Mr. Petrie from ſtanding in ſucceſſion to the Government, and from the ſeat he held in the Council of the Fort St. George Preſidency.

We have the honour to be,
Gentlemen,
Your moſt obedient,
Humble Servants,

(Signed) C. GRANT.
W. ASTELL.
C. MILLS.
A. ROBARTS.
G. SMITH.
R. C. PLOWDEN.
C. MARJORIBANKS.
I. INGLIS.
I. BEBB.
G. A. ROBINSON.

East-India House,
10th Sept. 1810.

APPENDIX.

THE Nabobs of the Carnatic had carefully kept regiſters of the bonds granted by them, and payments made on account of them, in offices appropriated to that purpoſe. After their death, to prevent thoſe regiſters from being falſified or interpolated, the offices were ſhut up. An officer belonging to one of them, whoſe ſalary was only ſixty rupees a month, having ſome years ago been diſmiſſed for miſconduct, Paupiah Braminy, an intriguing native, a great dealer in bonds, and a man of notorious recorded infamy, as already mentioned in the text, offered the preſent Nabob a douceur of 10,000 pagodas, or £. 4,000, for the reſtoration of the officer ſo diſmiſſed. Whence the obvious inference is, that he wanted to have an inſtrument of his own in that department. That officer, with his ſucceſſor and another perſon in office, were afterwards detected in a plan to introduce ſpurious bonds into the office, which they all confeſſed; and they were confined by the Nabob. This detection was made by other official ſervants, but has ſince been uſed by the party adverſe to the Commiſſioners and to the Government, to deſtroy the credit of the office regiſters as authority for the validity of bonds, and to deſtroy alſo the credit of all the Durbar ſervants. Paupiah, by his Engliſh attorney, applied to the Supreme Court for a writ of Habeas Corpus, to diſcharge thoſe perſons out of the Nabob's cuſtody, and alſo inſtituted a proſecution againſt the Nabob's Dewan, for falſely impriſoning them. This fact ſhows plainly a connexion between Paupiah and theſe perſons. Various informations having been given to Government, of the fabrication of Nabob's bonds, and of a traffick in them, the Government, to check this nefarious practice, inſtituted the Committee of Inquiry ſpoken of in the text, to whom thoſe informations were referred. This ſort of previous inquiry fell within the province of Government, not of the Commiſſioners for Carnatic debts, whoſe buſineſs lay in examining claims brought before them. Among the communications referred to that Committee were a charge againſt Paupiah for forgery, and alſo one againſt Reddy Row. We know not which of theſe charges was prior in point of time. Reddy Row, who had been the late Nabob's head accountant of the Carnatic, had, from his good character and long acquaintance with the bond tranſactions of thoſe Nabobs, been after their death, together with Mr. Battley, the Engliſh ſecretary of the Nabobs, conſulted by ſpeculators in the Carnatic debts, on the authenticity of bonds offered for ſale. The information againſt Reddy Row was given by a foreign adventurer named Loyd, who did not, on his examination, ſeem to know what he had ſtated in his letter, and appeared, in this inſtance, to be acting under the direction of others. To ſupport this charge, he brought two witneſſes againſt Reddy Row, named Arnachella Row and Beem Row, who proved afterwards to be inſtruments of Paupiah Braminy. Their teſtimony was thought ſo improbable as to be unworthy of belief; and has ſince, in the moſt material parts, been refuted even by themſelves. The Committee having, on the 25th June 1808, been directed to examine into the charge againſt Paupiah, for fabricating a bond for 46,000 pagodas, they on the 11th July reported that it was a forgery, and recommended that the

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parties concerned in it should be prosecuted. The choice of natives to assist the Commissioners in examining the Durbar Registers, in order to ascertain the validity of claims, was evidently a point of great importance. It appears that Paupiah wanted to get a man of his own into that employ. The Commissioners, however, selected for their principal assistant, Reddy Row above-mentioned, as the person most qualified, and likely to get them information. On or about the same day, the 11th of July, Paupiah, as a creditor, preferred before the Commissioners for investigating the debts, objections to a bond belonging to Reddy Row for 38,500 pagodas, as being a forgery. His witnesses were the persons already named, Arnachella Row and Beem Row. On the 12th July, a letter, *dated the 9th*, was laid before the Commissioners, by Mr. Abbott, containing a list of bonds stated by him to be suspicious, among which was this one of Reddy Row's. The Commissioners, to whom the deed sanctioned by Parliament meant exclusively to confine the judgment of such points, on opening their commission, in the first place examined carefully into the validity of this bond, and were thoroughly satisfied, on what they deemed the clearest evidence, that it was a genuine one; not only the reality of the Nabob's signature, but the reasonable grounds on which the bond was granted, having been proved. It was here given in evidence to the Commissioners, that Paupiah had offered to Reddy Row to withdraw his charge of forgery, and settle their differences, if he (Reddy Row) would undertake to support Paupiah's claims (for 25 lacks of pagodas, about one million sterling.) On the 20th July, in consequence of the recommendation of the Committee, orders were given by Government, to the Company's law officers, to prosecute Paupiah for forgery. The Commissioners appear to have believed that there was a design to defeat the object of their appointment, by procuring the removal, through any means, of the officers most able to bring the truth to light; and having, in the course of their proceedings, discovered, as they thought, an extensive conspiracy for the worst purposes, they, on the 25th July, stated this case to the Government; and requested that, with a view to institute a prosecution against the authors of the conspiracy, their Minutes might be inspected by the Company's law officers. The principal party implicated here was Paupiah. He, on the same day (25th July) charged before the sitting magistrate, Mr. Maitland, Reddy Row and one of his witnesses, Anunda Row, with the forgery of the above-mentioned bond, for pagodas 38,500; of which charge the Commissioners for investigating the debts, to whose jurisdiction this question belonged, had already acquitted Reddy Row. Paupiah's witnesses here were Arnachella Row and Beem Row already mentioned. The magistrate who had before sat in rotation, had declined to commit the accused in this business, on the evidence tendered. One of the Commissioners attended Mr. Maitland, and offered to communicate to him the contradictory evidence which the same accusers had given before to them in this matter; but Mr. Maitland refused to receive the depositions taken before the Commissioners, or to examine the deposing parties himself; and, on the *ex parte* evidence of the accusers, who were themselves to have been prosecuted for perjury in support of Paupiah's conspiracy, he, on the 30th July, committed Reddy Row, and Anunda Row, who had given evidence in favour of Reddy Row, to take their trial for forgery. Mr. Maitland has since avowed himself to be a prosecutor in the same matter in which he then acted as magistrate, and to be interested in the event. The complaint of the Commissioners against Arnachella Row and Beem Row, for perjury, having been heard by Mr. Taswell, another magistrate, he committed them for trial. But Paupiah, by carrying the accusation just mentioned, before Mr. Maitland, took the start of the other side; and he and his accomplices, instead of appearing in the ignominious light of culprits on the charges of forgery and perjury, placed Reddy Row (a man who had till then passed through life with an unimpeached character) in this situation, and upon a charge two of which the proper tribunal had declared him innocent. On the representation of the whole of this case by the Commissioners, and at their request, the Government directed the law officers of the Company to undertake the defence of Reddy Row and Anunda Row. The Government did not think this merely a "squabble among individuals," as Mr. Pattison expresses it, but a public concern; yet as much clamour has been raised against the Government, for the assistance thus rendered by their order to the defendants, it may not be foreign to that part of the subject to look back to the origin of their having been consulted in regard to the forgeries which were supposed to have been committed. If this is done, it will appear that the first occasion on which the Company's law officers were called to act in this business, was during the presidency of Mr. Petrie, when the investigation of the information given by the foreigner, Loyd, was committed to the Company's advocate general and solicitor, who thereby became officially connected with the subject of the forgeries before Sir G. Barlow's arrival. Immediately afterwards, that is on the 1st August, an advertisement was prepared, and appeared anonymously in the Gazette of the 4th, inviting "a meeting of the *bonâ fide* creditors of "the Nabob, on the 6th, on business of the utmost importance." The persons who, in consequence, met, were Messrs. Roebuck, Parry, Abbott and Maitland (the two last partners in business) Mr. Light, as *Paupiah's attorney*, and two other individuals not named. They elected Messrs. Roebuck, Parry and Abbott, to be *representatives of the creditors of the late Nabobs*—a very numerous body dispersed in England and India, who had given no power for any such election. In the first list of Nabob's debts, made up in 1806—(the late Nabob died in 1801)—the amount of claims standing in the names of Messrs. Abbott and Maitland, as principals or agents, was £. 68,847. The amount standing in the name of Paupiah was £. 620,146. In the last account the claims of those two persons, of Messrs. Roebuck

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and Parry, and of Paupiah, as principals or agents (including a claim by Mr. Abbott, on behalf of a Begum, for 25 lacks of pagodas) amount to 67 lacks of pagodas, or £. 2,680,000 ſterling, being full two-thirds of the whole amount at firſt eſtimated to be due to a moſt numerous liſt of creditors.

In the character of *repreſentatives of the creditors*, Meſſrs. Roebuck, Parry and Abbott, on the 20th Auguſt 1808, addreſſed a remonſtrance to Government, againſt the protection afforded to Reddy Row, by allowing him the aſſiſtance of the Company's law officers, and againſt the intended proſecution of Paupiah for forgery, which they ſaid would diſcourage natives from coming forward to give evidence—an allegation ſoon diſproved by the events that followed. It was alleged alſo, that Mr. Anſtruther, the advocate general, who had been directed to conduct the defence of Reddy Row, was himſelf concerned in the property of the bond which that perſon was charged with having forged. Mr. Anſtruther has, in our opinion, completely cleared his own honour in that matter. Mr. Elphinſtone* has denied that, in theſe proceedings, there was any connection between the four European creditors and Paupiah. But we conceive that the very nature and order of the events above deſcribed irreſiſtibly eſtabliſh ſuch a connection; and beſides, it is avowed by Meſſrs. Abbott, Parry and Maitland, that they paid the expenſe of the ſuit brought in the Supreme Court, in the name of Paupiah, againſt Reddy Row, as it is alſo known that Mr. Parry was Paupiah's bail in the action brought againſt him and another perſon for perjury.

* Diſſent, 15 October 1809.

These perſons were throughout leaders in the oppoſition raiſed againſt Government and the Commiſſioners for the Carnatic debts, on account of the meaſures adopted by them for the due inveſtigation of thoſe debts. Their proceedings tended to throw every thing into confuſion—to diſcredit the officers employed in the examination of the Nabob's regiſters—to diſcredit thoſe regiſters themſelves (whence, it is preſumable, they could expect little ſupport to their cauſe from them)—to diſcredit the Commiſſioners and the Government likewiſe. These perſons went at length ſo far as to apply to the Governor General in Council for the removal of the Commiſſioners, and alſo to threaten thoſe Commiſſioners with a criminal proſecution in the Supreme Court at Madras; which violent courſe, on the other hand, induced a very reſpectable body, comprehending the principal commercial characters of Madras, to bear, in a voluntary addreſs to the Commiſſioners, the moſt honourable teſtimony to the uprightneſs of their conduct, with which alſo the Madras Government expreſſed the higheſt ſatisfaction. That Government at laſt, in order to prevent the entire obſtruction of the buſineſs entruſted to the Commiſſioners, and to check the ſpirit of faction, which had become very general and outrageous in the Settlement, found it neceſſary to interpoſe, by removing Mr. Maitland from the magiſtracy, which his partiality in office juſtly deſerved;—by requiring Mr. Parry, who remained in India on ſufferance, to return to Europe;—and by appointing Mr. Roebuck, who held conſiderable offices at the Preſidency, to the charge of the Settlement in Vizagapatam, ſaid to be one of the moſt ſalubrious on the coaſt, where his ſubſequent death, at the age of 60, has been repreſented by ſome perſons as murder. The oppoſite charges againſt Arnachella Row and Beem Row on the one hand, and againſt Reddy Row on the other, came before the grand jury at the ſame time. They heard firſt the charge againſt Reddy Row, and found a bill; after which they refuſed to go into the other charge, as involving a contradiction to what they had already found on oath. The trial laſted near a month, five days of which were loſt by the intoxication of ſome members of the petty jury, which was in general compoſed of the loweſt order of Europeans. The Chief Juſtice, having adjourned one day, to arrange his notes of the evidence, was afterwards by indiſpoſition prevented from attending for ſeveral days more; which was made the ground of an application to the grand jury, then ſitting, for a charge of impeachment againſt that eminent magiſtrate. The Chief Juſtice ſummed up in a ſpeech of *eight hours*, drawing a reſult in favour of the defendants, and particularly dwelling on the documents produced by the witneſſes on *both ſides* from the Durbar offices, as unanſwerable and concluſive. The jury in *twenty minutes* brought in a verdict of "Guilty." A new trial was moved for, on the ground that the verdict was againſt the clear weight of evidence. But, in conſequence of that verdict, other bills for conſpiracy and perjury were preferred and found againſt Reddy Row, and Mr. Battley, one of his witneſſes, who had been thirty years Engliſh ſecretary to the Nabobs, with a fair reputation. In the firſt trial, the proſecutors had inſiſted that Anunda Row (principal witneſs for Reddy Row) who was ſtated by himſelf, by Mr. Battley, and others, to have been a writer in the Nabob's Durbar in the year 1799, was indeed, at that very time, a clerk in the Cutcherry of Manargoody near Cuddalore. It was proved, on the defence, that Anunda Row at Manargoody was a different perſon. To inveſtigate thoroughly, in view to the new trial, this fact on which the charge of perjury reſted, a gentleman, well verſed in the native languages, was ſent by Government to the ſpot. He aſcertained, from the unanimous teſtimony of a conſiderable number of the inhabitants, that the Anunda Row who had given evidence at the trial, and who was ſhown to them, was not the perſon who had reſided at Manargoody. This, which ſeemed to fix the matter, proved, in the temper of the Settlement, adverſe to the cauſe of Reddy Row and to Government. It was openly repreſented as an attempt to overawe the inhabitants of Manargoody, by the interference of Government, and ſuch reports failed not of their effect on the public mind. On the motion for a new trial, the counſel for the proſecution inſiſted that it was a violation of the rights of juries, to queſtion the verdict on the ground of any opinion given by the judge as to the weight of evidence; which doc-

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trine, being contrary to the current of authorities for the last half-century, was resented by the Chief Justice, as an attempt to influence the by-standers, among whom were many of the special jury already struck for the approaching trials. A clamour for the rights of juries was raised, and every effort used to inspire a distrust of the Chief Justice, who, having delayed a decision on this notion, as the other trials nearly connected with it were coming on, a second presentment against him, tending to impeachment, was laid before the new grand jury. The Chief Justice, on the trial of Mr. Battley, which lasted several days, told the special jury they could not find the defendant guilty, unless they could make up their minds to the proposition, "that the whole inhabitants of Manargoody, and the whole "witnesses from the Durbar, were perjured;" and unless the whole body of documents, which were not impeached in evidence, ſhould, by mere presumption, be set aside as forgeries. The special jury found, however, Mr. Battley guilty of perjury, and recommended him to mercy, which seems not a very consistent proceeding. It is also said that the jury were not, in fact, unanimous in their verdict.

The Chief Justice declared his determination to pass no judgment in either of these causes; but to transmit them, as they stood, with his report on them, for the determination of His Majesty.

His Majesty has been advised to grant a pardon to the persons against whom the verdicts were passed, which, as we understand, was the only way open to him of supporting the part taken by the Chief Justice.

—No. 5.—

RETURN to an Order of the Honourable House of Commons, made on the 21st February 1811,—" That " there be laid before this House, a Copy of the War- " rant, by authority of which Major General Gowdie " ordered and approved Courts Martial, during the " period he held the command of the Army at " *Madras.*"

Copy of a
LETTER from William Merry, Esq. to Sir Patrick Murray.

SIR, War-Office, 19 March 1811.

IN compliance with the desire expressed in your letter of the 15th instant, I am directed to send you the enclosed Form of the Annual Warrant for 1808 and 1809, which authorized the General Officer commanding a body of the Forces employed within the Presidency of Fort St. George, in the East Indies, to hold Courts Martial, confirm Sentences, &c. amongst the Troops under his command, in order to its being laid before the House of Commons.

No Warrant was sent specially to Major General Gowdie.

I have the honour to be, Sir,
Your most obedient humble Servant,
(Signed) W. MERRY.

Sir Patrick Murray, B^t.
India Board.

(Copy.)

GEORGE *R.*

WHEREAS an Act has been made and passed in this present Session of Parliament, intituled " An Act for punishing Mutiny and Desertion, and for the better " payment of the Army and their Quarters :" And whereas We have been pleased to establish Articles of War, for the better Government of all Our Forces, which Act of Parliament and Articles of War are hereunto annexed; We, for the more effectually carrying the purposes of the said Act and Articles of War into execution within the limits of your command, have thought fit to direct, and We do hereby authorize and empower you from time to time as occasion may require, to convene or cause to be assembled General Courts Martial, for the trial of any Officer or Soldier of Our Forces under your command, charged with Mutiny or Desertion, or with any other offence against the rules of Military discipline, whether the same shall have been so committed previous to or after such General Officer shall have taken upon himself such command: And We do hereby further empower you to direct your Warrant to any Officer (not under the degree of a Field Officer) having the command of a body of Our said Forces, authorizing him to convene Courts Martial, for the trial of offences committed by any Officer or Soldier under his command; every of which Courts Martial shall consist of a President, and of a competent number of other Officers who can be conveniently summoned to attend the same, regard being always had, as well in the appointment of such President, as in the rank and quality of the other Officers composing such Courts Martial, to the Rules prescribed by the said Act of Parliament and

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Articles of War. And We do hereby authorize and empower such Courts Martial to hear and examine into all such matters and informations as ſhall be brought before them, touching the misbehaviour of any commissioned Officer, non-commissioned Officer or Soldier, by Mutiny or Desertion, or otherwise as aforesaid, and to proceed in the trial of such charges, and in giving sentence and awarding puniſhment according to the powers and directions contained in the said Act of Parliament and Articles of War. And whereas it is necessary to have a Military discipline kept up amongſt Our said Troops under your command, in as great exactness as possible, and as nothing can contribute more to retain the Soldiers in due obedience to their Officers, and to make them diligent in discharging the duties incumbent upon them, than the bringing delinquents to speedy juſtice; Our Will and Pleasure therefore is, and We do hereby further authorize and empower you, when and as often as any sentence is given and passed by a General Court Martial legally conſtituted as aforesaid, to cause such sentence to be put in execution, or to suspend, mitigate, or remit the same, as you ſhall judge beſt, and moſt conducive to the good of Our Service, without waiting for Our further orders; except in the case of commissioned Officers adjudged to suffer death, or to be caſhiered, in which case, as in other inſtances wherein you ſhall think it proper to suspend the execution of any sentence, the proceedings of the Court Martial upon such trial are to be transmitted to Our Judge Advocate General in Great Britain, in order to their being laid before Us, who is afterwards to send them to Our Commander in Chief, or in his absence, to Our Adjutant General, for Our decision thereupon. And that there may not in any case be a failure of juſtice, from the want of a proper person authorized to act as Judge Advocate, We do hereby further empower you, in default of a person appointed by Us, or deputed by the Judge Advocate General of Our Forces, or during the illness or occasional absence of the person so appointed or deputed, to nominate and appoint a fit person from time to time, for executing the office of Judge Advocate at any such Court Martial, for the more orderly proceedings of the same. And for enforcing the adjudication or sentence of every such Court Martial, We do also give you authority to appoint a Provoſt Martial, to use and exercise that office, as it is usually practised in the Law Martial, and for executing the several powers, matters and things, herein expressed, these ſhall be as well to you as to the said Courts Martial and all others whom it may concern, a sufficient Warrant and Authority. Given at Our Court at St. James's, this

in the year of Our Reign.

By His Majeſty's Command.

(Signed) CASTLEREAGH.

To the General Officer commanding a body of Our Forces employed within the Presidency of Fort St. George.

N° 6.—Copies

No. 6.

Copies of all PROCEEDINGS of the Court of Directors; restoring Lieut. Colonel BOLES, late Deputy Adjutant General of the Company's Army at *Madras*, to the Company's Service:—Together with all Communications from the Court of Directors to the Government of *Fort St. George*, on the same Subject.

AT a Court of DIRECTORS, held on Friday the 23d November 1810:

No. 6.

Proceedings respecting Lieutenant Col[l] Boles.

THE Court, pursuant to their Adjournment on the 20th instant, proceeding to take into consideration further Proceedings as to the cases of the suspended Madras Officers:

The under-mentioned Particulars were read; viz.

Extract of a General Order by Government, dated the 31ſt January 1809.

Extracts of General Letters from Fort St. George, in the Military Department, dated the 31ſt January 1809, and 3d February 1809.

General Order by the Commander in Chief, Lieutenant General Macdowall, dated 28th January 1809.

Extract of Judge Advocate General's Letter to the Government of Fort St. George, dated the 20th February 1809.

Extract Letter from the Governor General in Council, to the Government of Fort St. George, dated 20th February 1809.

A Memorial from Major Boles to the Court, dated the 23d February 1809, with several Enclosures.

Extract General Letter from Madras to the Court, in the Military Department, dated 28th February 1809.

Extract General Letter to Fort St. George, in the Military Department, dated 15th September 1809.

Minute of Sir George Barlow, dated the 1ſt May 1809.

Paper of Authorities submitted by the Judge Advocate General, as to an Officer being juſtified in yielding obedience to illegal Commands of his Superiors.

Letter from Sir George Barlow to Lord Minto, dated the 1ſt April 1809.

Extract circular Letter from Major General Gowdie, dated 10th April 1809.

General Orders, dated the 1ſt of May 1809.

Extract Letter from the Court of Directors to the Government of Fort St. George, in the Military Department, dated the 29th September 1809.

Letter from the Governor General in Council, to the Madras Government, dated the 27th May 1809.

Bengal Secret Consultations, dated the 16th March 1789.

Madras Military Consultations, dated 3d February 1809.

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Proceedings respecting Lieutenant Colᵗ Boles.

Extract Letter from Colonel St. Leger, to the Secretary at Fort St. George, dated the 7th April 1809.

Fort St. George Secret Consultations, dated the 9th, 30th, and 31ſt May, and 9th and 13th June 1809.

Letter from the Secretary at Fort St. George, to Major Boles, dated the 14th June 1809.

Bengal Political Consultations, dated the 29th July 1809.

Minute of William Petrie, Esq. Firſt Member of Council at Fort St. George, dated the 8th September 1809.

THE Court then adjourned further Proceedings on the subject under consideration, till Tuesday next.

Fort St. George, 31ſt January 1809.

G. O. by Government.

(Extract.)

IT has recently come to the knowledge of the Honourable Governor in Council, that Lieutenant General Hay Macdowall did, previously to his embarkation from this Presidency, leave to be publiſhed to the Army, a General Order, dated the 28th inſtant; in the highest degree diſreſpectful to the authority of the Government; in which that officer has presumed to found a public cenſure on an act adopted under the immediate authority of the Governor in Council, and to convey inſinuations grossly derogatory to the character of the Government, and subverſive of military discipline, and of the foundation of public authority.

The General Order in question having been circulated under the signature of the Deputy Adjutant General of the Army, it muſt have been known to that officer, that in giving currency to a Paper of this offenſive description, he was acting in direct violation of his duty to the Government, as no authority can justify the execution of an illegal act, connected as that act obviously in the present case has been, with views of the moſt reprehenſible nature. The Governor in Council thinks it proper to mark his higheſt displeaſure at the conduct of Major Boles, by directing that he ſhall be suspended from the service of the Honourable Company.

The General Order left by the Commander in Chief for publication, under date the 28th inſtant, is directed to be expunged from every public record, and the Adjutant General of the Army will immediately circulate the necessary orders for this purpose.

By Order of the Honourable Governor in Council,

(Signed) *G. BUCHAN,*
Chief Secᵛ to Government.

Extract Military Letter from Fort St. George, dated 31ſt January 1809.

Par. 2.—WE particularly ſtated the circumſtances which had occurred on the subject of the measure adopted by Lieutenant General Macdowall; of placing the Quarter-maſter General of the Army under arreſt, and the necessity which was imposed upon us, of removing the arreſt by the direct authority of the Government.

3.—We were willing to hope that the queſtion was entirely closed; but it having come to our knowledge that Lieutenant General Macdowall did, at the time of his embarking, leave for publication to the Army of this Presidency, a General Order on the above subject grossly offenſive, and this Order having been circulated to the Army, it has become our indiſpenſable duty to vindicate the authority of Government in a signal manner.

5.—We have the honour to inclose for your information, a copy of the General Order which we have publiſhed on this occaſion, together with a copy of the General Order

Order of the late Commander in Chief, which we have directed to be expunged from the records of the Army. No. 6.

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7.—The conduct of the Deputy Adjutant General of the Army having been in the higheſt degree improper, in giving currency to the offenſive Order of the Commander in Chief, in oppoſition to his bounden duty to the Government, we have directed that the Deputy Adjutant General ſhall be ſuſpended from the ſervice of the Company.

8.—However much we may lament the neceſſity of reſorting to meaſures of a ſevere nature, we conſider the calls of public duty to be ſuperior to this conſideration; and it is only by ſuch meaſures that the late inflammatory proceedings can be counteracted.

Military Department.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the Eaſt Indies.

Honourable Sirs,

Par. 1.—IN our ſeparate letter to your Honourable Court, of the 1ſt inſtant, we informed you of the grounds in which it had become our duty to remove Lieutenant General Hay Macdowall from the ſtation of Commander in Chief at this Preſidency, and to ſuſpend the Deputy Adjutant General from the ſervice of the Company.

2.—We inform you with concern, that we have been compelled to adopt the ſame meaſures with regard to the Adjutant General, and we incloſe for your information the copy of a General Order which we have publiſhed on the occaſion.

3.—We conclude that there cannot be a difference of opinion as to the dangerous tendency of the General Order, publiſhed under the authority of the late Commander in Chief, under date the 28th ultimo; and it is a fact eſtabliſhed on the cleareſt principles of reaſon and of law, that perſons are reſponſible for the conſequences attending the execution of illegal and improper acts, whatever the ſanction may have been under which ſuch perſons may have acted. It being our wiſh that this Letter ſhould be conveyed to your Honourable Court by the fleet about to ſail from Ceylon, the preſſure of time will not admit of our going into any detailed argument on this ſubject; but we are willing to hope that the propoſition is ſufficiently obvious to render detailed diſcuſſion unneceſſary.

The circumſtances connected with the publication of the late offenſive General Order, can leave little room to doubt that the meaſure was of a premeditated nature; and the officers concerned in the circulation of ſuch a paper are deeply reſponſible for an act, involving in its obvious tendency the anniliilation of all reſpect for public authority, and the excitement of the moſt dangerous ſpirit in the Army of this Preſidency. The duty which the Adjutant General owes to the Government, is paramount to any obligation which can be attached to his ſtation as an officer acting under the immediate orders of the Commander in Chief; and no order which he might have received from the Commander in Chief, could juſtify the Adjutant General in the direct and open violation of the ſuperior duty which he, in common with all other officers, owes to the power from whence his appointment was derived, and which it was his bounden obligation to have ſerved with fidelity. If the order of the Commander in Chief ſhould once be received in juſtification of acts however criminal, there muſt be an end of ſubordination and military diſcipline, and an end of public ſafety.

5.—Of the legal reſponſibility of the Adjutant General, there cannot, we believe, be any doubt; and as that officer has ſhewn a diſpoſition very oppoſite from contrition for the offenſive proceeding, the reſponſibility attached to his conduct weighs with aggravated preſſure. We have therefore had no alternative, but to adopt the meaſure which we have reported, as that alone by which, after the recent occurrences, it was poſſible that the public authority could, under the flagrant injury which it had experienced, be maintained. We have felt extreme regret in purſuing a courſe

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of proceeding so adverse to our own wiſhes, but we have considered the calls of public duty to be superior to those of personal feeling.

We have the honour to be, with the greateſt respect,
Honourable Sirs,
Your faithful humble Servants,
(Signed) G. H. BARLOW.
W. PETRIE.
J. OAKES.
J. H. CASAMAIJOR.

Fort St. George,
3d February 1809.

General Orders.

Head Quarters, Choultry Plain, 28th January 1809.

G. O. By the Commander in Chief.

THE immediate departure of Lieutenant General Macdowall from Madras, will prevent his pursuing the design of bringing Lieutenant Colonel Munro, Quarter-maſter General, to trial, for disrespect to the Commander in Chief, for disobedience of orders, and for contempt of military authority, in having resorted to the power of the Civil Government, in defiance of the judgment of the officer at the head of the Army, who had placed him under arreſt, on charges preferred againſt him by a number of officers commanding native corps; in consequence of which appeal direct to the Honourable the President in Council, Lieutenant General Macdowall has received a positive order from the Chief Secretary, to liberate Lieutenant Colonel Munro from arreſt.

Such conduct on the part of Lieutenant Colonel Munro, being deſtructive of subordination, subversive of military discipline, a violation of the sacred rights of the Commander in Chief, and holding out a moſt dangerous example to the Service, Lieutenant General Macdowall, in support of the dignity of the profession, and his own ſtation and character, feels it incumbent on him to express his ſtrong disapprobation of Lieutenant Colonel Munro's unexampled proceedings, and considers it a solemn duty imposed upon him, to reprimand Lieutenant Colonel Munro in General Orders, and he is hereby reprimanded accordingly.

(Signed) T. BOLES,
Depʳ Adjutʳ General.

Extract of a Letter from the Judge Advocate General, to the Governor of Fort St. George, dated 20th February 1809, and received as an Enclosure in the Military Letter from Madras, of 28th February 1809.

IT now remains to observe on the conduct of the Adjutant General's office in this case. The situation of Adjutant General has always been thought the moſt important of any in our Army, and great care has accordingly been taken to fill it with officers of the firſt talents and prudence. Indeed, from the circumſtance of the Commander in Chief being so often an officer from His Majeſty's service, and a ſtranger to the manners and local usages of the country, nothing but the circumſtance of his being aſſiſted with sound and prudent counsel, in the person of his immediate adviser (the Adjutant General) could so long have ensured that good order and discipline which has prevailed. Colonel Capper, and his Deputy, Major Boles, ought to have been fully aware, on the present occasion, that the above order was fraught with the moſt mischievous consequences; and it was therefore their clear duty to have demurred to the issue of it: for I do not conceive that the illegality of an order conſiſts in its being specifically forbidden by express Law. Whatever is subversive of Military discipline and Civil obedience, is always illegal, whether such particular thing may or may not have been forbidden by any express Law. The order in queſtion went to subvert the very fountain of discipline and good order. For, if soldiers are to be taught counteraction and contempt of the Civil power, the firſt principles of all government is cut up by the roots. By the Warrant of the Commander in Chief, the officers, &c. of the Army are required to pay him "due obedience;" a limitation which muſt always be implied in every country governed by Civil Laws. He himſelf

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self is rendered "subject to all such rules, orders and instructions, as he shall receive from the Governor and Council of Fort St George."

It were needless to observe, that under an English Government, an officer is only justifiable in obeying a legal order: a distinction implied by the Articles of War, and recognized in daily practice. These officers accordingly ought to have demurred to the order, and begged, in respectful terms, to have been excused from signing or issuing it. The General, we may suppose, would not have been disposed to push things to extremity; for, though men in power are sometimes glad to find apt instruments to anticipate their wishes, they will hesitate to give positive orders for violent acts, where they see they are unwillingly obeyed. One, on these occasions, never says to a Commander in Chief, you have no right and title to do so and so, but only "I am afraid this is a case not provided for by law: I am afraid our laws "are defective here, in not enabling your Excellency to effect this object." On these accounts it is sufficient to be understood, any hint of this sort is always enough: for it must be rare indeed, that a Commander under an English Government, will both intend to violate the law and force his officers to do so.

The President in Council accordingly, on finding that the first copy of the order which he had occasion to see, was countersigned by the Deputy Adjutant General, immediately declared that officer suspended from the service. It is usual on such occasions to notice, that the suspension is made until the pleasure of the Court of Directors is known: but as it was the intention, as I understood, to have restored Major Boles to the service the moment that any proper explanation or apology was made by him, and which was naturally expected, no period was fixed for the suspension. It had been easy for Major Boles to state, had such been the case, that he hesitated as to the issuing of the order, but was compelled by positive orders; or to have apologized, by saying that he had done it in the routine of duty, without adverting to the consequences, and without any intention of being guilty of disrespect to Government; but not one word of explanation was offered.

The plea of Colonel Capper, the Adjutant General, that he must either have complied or been exposed to the penalties of military law, appears altogether groundless: I know of no penalties for the rejection of an illegal order. To an officer who used a similar plea before an English Court of Justice, in saying, "I am to obey all my "superior officers, that is my commission; or if I do not, I die by the law of war;" He was told by the Court, "you are to obey them in their just commands, all unjust "commands are invalid."—(State Trials, Vol. I, p. 901.)

And the principle is distinctly recognized by every legal authority, as to commands that are on the face of them illegal, or of a mischievous tendency.

The constitutional maxim, "that the King can do no wrong," is balanced by another maxim, not less constitutional, "that the illegal commands of the King do "not justify those who assist or concur in carrying them into execution. All who "either concur in an illegal order, by authenticating its publication with their seal "or subscription, or who in any manner assist in carrying it into execution, subject "themselves to prosecution and punishment for the part they have taken, and are "not permitted to plead or produce the command of the King, in justification of "their obedience."—Paley's Principles of Philosophy, Vol. II. p. 228 & 229.

Obedience is no doubt the great duty of a soldier, but his first obedience is due to the civil laws of his country, and his second to the military.

A departure from this principle is always dangerous. It was forgot in the revolution against a former Governor (Lord Pigot) which it chiefly occasioned, but adhered to during the troubles of Lord Macartney's; and it accordingly prevented some destructive consequences, which otherwise might have ensued. The late discontents in the Bengal Army show how necessary it is to preserve it in this country. It will rarely happen that any violent measures are ordered by a regular Government. But an ill-advised Commander in Chief, being a single person, and generally of a temper more fervent and professional, might at the head of a discontented and clamorous soldiery, be the occasion of the most pernicious consequences, if once it were admitted that every dictate of his caprice was law, and that the Civil Government might be insulted with impunity and triumph.

I have only to beg for this letter, the operation of the same principle, which is the foundation of all my argument; the protection of the law in the duty it has enjoined

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joined me, and that I may not rashly suffer, either here or at home, by the opinions of others, because mine perhaps is different from theirs.

I could not have thought of delivering in a letter upon a case of this importance, without availing myself of my general permission of submitting it to the deliberate opinion of the Company's Advocate General, who has authorized me to say that he entirely assents to the conclusions I have drawn.

I have the honour to be, &c. &c. &c.

Fort St. George, 20th February 1809.

(Signed) J. LEITH, Judge Advocate Gen[l].

Extract Letter from the Governor General in Council, to the Governor in Council at Fort St. George, dated 20th February 1809.

Para. 3.—WE consider the conduct of Lieutenant General Macdowall, in placing the Quarter-master General of the Army in arrest, for an act done in the strict fulfilment of his public duty, to have been in the highest degree reprehensible, and the impropriety of his conduct to have been aggravated by his adoption of that extraordinary measure, after the Judge Advocate General's official declaration of the illegality of the charges, and by his refusal to take off the arrest after the officers who had so irregularly and discreditably preferred the charges against Lieutenant Colonel Munro, had, in consequence of the Judge Advocate General's declared sentiments regarding their illegality, requested the Commander in Chief to suspend the prosecution of them; and we consider your interposition for the release of that officer from an arrest, so arbitrarily and illegally imposed, for purposes incompatible with the existence of legal government in India, to have been a just and necessary exertion of your authority.

4.—We entirely concur in opinion with you, that the General Order published by Lieutenant General Macdowall subsequently to the removal of the arrest, was of a nature to strike at the foundation of the authority of the Government. It appears to us to have been calculated and intended to separate and place in competition the Civil and Military power, to have been subversive of the principles of subordination, and to have had in view the degradation of the Government in the estimation of the Army and the Public.

To the Honourable the Court of Directors for the management of the Affairs of the Honourable the United East India Company.

The Memorial of Thomas Boles, late Deputy Adjutant General of the Army, and late Major in the Honourable Company's Army on the Madras Establishment,

Humbly sheweth,

THAT your Memorialist has served nearly twenty-six years in the British armies in India, almost twenty-three years of which have been passed in the immediate service of the Honourable the English East India Company; that during the above-mentioned period the conduct of your Memorialist has received the approbation of his superiors; in consequence of which, he has for six years been employed in the department of the Adjutant General, in the capacities of Assistant and of Deputy Adjutant General.

Your Memorialist, in discharging the duties that have been from time to time allotted to him, has uniformly endeavoured, by personal assiduity and by strict attention to the rules and regulations of the service, to merit the continuance of the favours he has enjoyed; and to recommend himself to the further notice of his immediate superiors and of your honourable Court, your Memorialist had every reason to hope that his efforts were not altogether unsuccessful, and to indulge the flattering prospect of future advancement, and of ultimately receiving, from the honours and advantages of higher rank, the well-earned reward of long and faithful service; but, to his great sorrow and misfortune, your Memorialist has been subjected to a punishment the most severe which the Government of Madras could inflict; and this punishment is stated to have been merited by an act on the part of your Memorialist, regarding

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garding the execution of which he does not conceive that he had any choice or alternative, and he truſts that the abſolute and indiſpenſable neceſſity of his immediate and unconditional performance of the act in queſtion, will be fully manifeſt on a view of the circumſtances connected therewith, as follows:

The duties of Deputy Adjutant General are not confined to any particular branch of the buſineſs in the office, but generally to do and perform all ſuch duties as the principal in the office may direct; and in the abſence of the principal, to conduct all the duties, either according to inſtructions that may be left, or according to the directions of the Commander in Chief from time to time; and previous to the recent occurrences, there is no inſtance in the practice or the uſage of the ſervice, in which the authority of the Commander in Chief has been conſidered ſubject to a ſuperior controul in points that relate to the diſcipline, the Courts of Juſtice, or the practice and exercise of the Army; a doubt reſpecting the integrity of this principle, would have been conſidered by every officer in the Army, as derogatory to the dignity of the chief command, and to the vital principle of military ſubordination.

On the 31ſt of January laſt, your Memorialiſt, then Deputy Adjutant General of the Army, received at the Adjutant General's office, a General Order by Government, under date the 31ſt January; in which order the appointment of Lieutenant General Macdowall to the command of the Army of this Preſidency was annulled, because he had left to be publiſhed to the Army, a reprimand to Captain John Munro (Quarter-maſter General and nominal Lieutenant Colonel, one of the immediate Staff of the Commander in Chief) and in which Government Order alſo, the Deputy Adjutant General of the Army is ſuſpended from the ſervice of the Honourable Company, becauſe the above-mentioned reprimand was circulated under the ſignature of that officer.

Your Memorialiſt humbly ſubmits to your honourable Court, that any ſuppoſed criminality on his part muſt neceſſarily imply, not only a freedom of will in regard to the performance or otherwiſe of the act, but alſo a manifeſt intention on his part to violate the duty which he owes to the Government; for unleſs it were at the option of your Memorialiſt to perform or decline the act, he humbly ſubmits that no reſponſibility can attach to him regarding it; and ſuppoſing the option free, your Memorialiſt preſumes that the act could be conſidered criminal only in proportion as the illegality of the order of the Commander in Chief was manifeſt and ſelf-evident.

According to the apprehenſion of your Memorialiſt, the foregoing is a ſimple and candid ſtatement of his caſe, and upon that principle he will endeavour to exhibit his perfect innocence, as well in regard to the intention as to the act itſelf.

On Sunday the 29th of January, your Memorialiſt, in company with his principal, Colonel Capper, and a large concourſe of officers and others, attended Lieutenant General Macdowall to the beach, he being about to embark for Europe; Colonel Capper accompanied General Macdowall on board ſhip, and as he left the ſhore, he repeated an order which he had before given to your Memorialiſt, directing that the General Order of the Commander in Chief ſhould be circulated to the Army that evening. This General Order, under date the 28th of January, had been received at the Adjutant General's office, in Lieutenant General Macdowall's hand-writing, and it was accompanied by a direction, that as the General's departure was near at hand, every expedition ſhould be uſed in circulating it.

Your Memorialiſt appeals to the principles of military law, under which he has been educated, and to the uſage of all armies, that under the circumſtance above ſtated, any heſitation on his part muſt neceſſarily be conſidered as preſumption eminently criminal, and would have rendered him, in the opinion of any ordinary court-martial, an object deſerving the ſevereſt puniſhment of the higheſt military crime. Such being the only alternative which your Memorialiſt can conceive to exiſt, he truſts that it will fully appear to your honourable Court, that the act for which he has been ſo ſeverely puniſhed, was an act purely of neceſſity, and in no reſpect an act of free will. For reaſons which muſt be obvious, your Memorialiſt will not expatiate on the conſequence which may be expected to reſult from the introduction of a principle which acknowledges reſponſibility in ſubordinate officers, and which proclaims to men with arms in their hands, that tacit ſubmiſſion may ſubject them to puniſhment, and that they are at liberty to queſtion and diſcuſs the legality or the expediency of a peremptory order from a military ſuperior; but your Memorialiſt

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moſt solemnly declares, that he did at the time he signed the order, consider it to be his indispensable duty so to do, and that no responsibility whatever was attaching to him on account of that or any other order; he considered them all alike.

Your Memorialiſt having ſtated that his act in signing the order, could be considered criminal only in proportion as the illegality of it was manifeſt and self-evident, presumes to offer his opinion, that even if his option had been free, no blame could attach to him for signing the order.

Previous to the act, your Memorialist had never heard the opinion of any person respecting the order; it was not usual to diſcuss the merits of General Orders, particularly of those in the hand-writing of the Commander in Chief; but since his suspension, your Memorialist has deliberately considered the expression and the substance of the offensive General Order; he has consulted with many officers of rank and experience in His Majeſty's and the Honourable Company's service, and he has not met with any who consider the orders to be directed against the Government: it states that Lieutenant General Macdowall was prevented by his immediate departure, from bringing Lieutenant Colonel Munro, Quarter-master General, to trial, for disrespect to his Commander in Chief, for disobedience of orders, and for contempt of military authority, and that the conduct of Lieutenant Colonel Munro was destructive of subordination, subversive of military discipline, a violation of the sacred rights of the Commander in Chief, and holding out a most dangerous example to the service; but it does not contain any comment or remark on the Government, or on the orders issued by the Government; and at this moment many respectable officers at the Presidency assure me, that they did not consider the order of the Commander in Chief to be by any means illegal, or did they imagine it would be so conceived, until it was declared to be so by the Government Order of the 31ſt January. If therefore the question still admits of a doubt, your Memorialist confidently trusts that the illegality of General Macdowall's order will not be considered so manifest or self-evident, as to have authorized your Memorialist to question the propriety of signing it, even had his choice been free.

Your Memorialist begs leave further to represent to your honourable Court, that Lieutenant Colonel Capper, the Adjutant General of the Army, and the immediate superior of your Memorialist, did on the 31ſt of January wait on the Honourable the Governor; but not gaining an audience, he informed Mr. Secretary Buchan, (who is also private Secretary to Sir George Barlow) that the circumstance of your Memorialist having affixed his signature to the offensive General Order, arose from his (Colonel Capper's) absence from the office, he having accompanied Lieutenant General Macdowall on board ſhip; that otherwise all the orders should have received his (Colonel Capper's) signature; and that he conceived that all responsibility for the duties of the office, rested with him as being the principal, and not with your Memorialist, whoſe duty was to yield tacit obedience.

The result of this communication was the suspension of Colonel Capper from the Honourable Company's service, by a Government Order, which stated that the Adjutant General was materially implicated in the measure of giving currency to the offensive General Order; but your Memorialist has to lament that it did not produce any favourable change in his case, and he is now suffering the severest punishment and indignity that can be inflicted by the Government, without ever having been called upon by the Government for any explanation, or having had any opportunity to extenuate his supposed guilt, by a declaration of the integrity and uprightness of his intentions in performing an act, the responsibility of which his immediate superior has fully and unequivocally taken upon himself.

Your Memorialist placing the fullest reliance on the liberality and justice of your honourable Court, and feeling most severely the hardship and long suffering to which his suspension has exposed him, and being therefore desirous to bring his case under the consideration of your honourable Court at the earliest possible period, he on the 15th instant addressed a letter (No. 1. in the Appendix) requesting permission to return to Europe in the Sir Stephen Lushington, which ship he has been informed is taken up to carry the dispatches to Government; not receiving any reply, your Memorialist on the 18th instant addressed a second letter (No. 2.) and in the evening of that day he received a letter (No. 3.) from Mr. Secretary Buchan, communicating the Honourable Governor's regret at not having it in his power to permit your Memorialist to proceed to Europe by the present opportunity.

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Your Memorialist having understood that it is the desire of your honourable Court, in your justice, that the cases of suspended officers should be brought to your notice at the earliest possible period, and being at the same time sensible, that justice to his own character, and his future prospects in your service, imperiously required that he should by every means endeavour to lay his case before your honourable Court, had already obtained a passage to Europe in the Sir Stephen Lushington; and being unable to support himself in India, on the reduced allowance given to officers under suspension, he was induced again to address Government on the 19th instant, (No. 4) soliciting the indulgence of being permitted to proceed immediately, stating that a similar indulgence had already been granted to Lieutenant Colonel Capper, your Memorialist's immediate superior in office, and now in a predicament precisely similar with him; but as there is every probability that the Sir Stephen Lushington will reach England before Lieutenant Colonel Capper does, your Memorialist entertains serious apprehension that the interest of his cause may suffer materially if he is still prevented from availing himself of the passage which he has obtained on the Lushington, as various causes may produce delay in bringing to the notice of your honourable Court all the circumstances of the case, from which however he confidently hopes for full exculpation; he has therefore presumed, with the utmost deference and respect, to address this Memorial, praying that your honourable Court will view with a favourable eye, the deplorable situation of an officer who has served you long and faithfully, and who now for the first time during 26 years of military service, has incurred the displeasure of his immediate superiors, for an act avowedly not his own, and that upon a full consideration of the subject, your honourable Court may be pleased to reinstate him in your service, and in the situations from which he has been thus removed, and to take such further steps as may be deemed by your honourable Court expedient, in order to remove the imputations that have been thrown out against his character.

And your Memorialist, as in duty bound, shall ever pray.

(Signed) THOMAS BOLES,
Late Deputy Adj. General,
and late Major 3d Native Reg.

Madras,
23d Feb. 1809.

Appendix (No. 1.) to Major Boles's Memorial.

To the Honourable Sir G. H. Barlow, Bart. Governor in Council, Fort St. George.

Sir,

IN consequence of my having been suspended from the Honourable Company's service, for the reason set forth in the Government General Orders of the 21st ultimo, I have the honour to request permission to proceed to Europe.

That I may not be deprived of the advantage of stating in person to the honourable the Court of Directors, at the earliest possible period, the peculiar hardship of my case, I shall endeavour to obtain a passage on board the Honourable Company's ship Sir Stephen Lushington, which is, I understand, under the orders of Government, preparing to return to England immediately; and I have therefore respectfully to request, that my brother, Lieutenant Boles, of the 9th Native Regiment, may be permitted to take charge of the agency for army clothing, for the purpose of completing the year's clothing now on hand, and closing my accounts, and for the adjustment of which he will, jointly with me, become responsible.

I have, &c. &c.

Madras,
15th Feb. 1809.

(Signed) T. BOLES,
Late Dep. Adj. Gen. &c. &c.

Appendix (No. 2.) to Major Boles's Memorial.

To the Honourable Sir G. H. Barlow, Bart. Governor in Council, Fort St. George.

Sir,

I HAD the honour to forward an application to the Honourable the Governor in Council, under date the 15th instant, for permission to proceed to Europe in the

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Honourable Company's ship Sir Stephen Lushington; but as I have not been honoured with a reply, and have been pressed to decide immediately respecting the accommodation offered me on board that ship for myself and family, I am under the necessity of repeating my request, and respectfully solicit an early decision, every hour being of consequence to me, as the ship is likely to sail in a very few days.

I have, &c.

Madras,
18th Feb. 1809.

(Signed) T. BOLES,
Late Dep. Adj. Gen. &c. &c.

Appendix (No. 3.) to Major Boles's Memorial.

To Major Thomas Boles.

Sir,

I AM directed to acknowledge the receipt of your letter of the 15th instant, and to acquaint you, that the Honourable the Governor in Council regrets that it is not in his power to comply with your application for permission to proceed to England by the present opportunity.

I am, Sir, &c. &c.

Fort St. George,
18th Feb. 1809.

(Signed) G. BUCHAN,
Chief Sec^{y} to G^{t}.

Appendix (No. 4.) to Major Boles's Memorial to the Honourable Sir G. H. Barlow, Bart. Governor in Council, Fort St. George.

Sir,

I HAVE the honour to acknowledge the receipt of Mr. Secretary Buchan's letter of the 18th instant, stating that the Honourable Governor in Council regrets that it is not in his power to comply with my application for permission to proceed to England by the present opportunity.

By the orders of the honourable the Court of Directors, it appears that the net pay only is allowed to officers under suspension, and the Honourable the Governor in Council will be aware that the subsistence of my rank is very insufficient to support me in this country, for the length of time that may elapse before the decision of the honourable Court on my case can be obtained; which will, by my remaining in India, be very distressing, and my other resources are in Europe; and I therefore beg leave to repeat my requeſt, to be allowed to proceed by the present opportunity, viz. the Honourable Company's ship Lushington, on which vessel I had obtained a passage.

Lieut. Colonel Capper, my superior in office, who is placed in the same predicament with myself, has been allowed to return to England, and I truſt the Honourable the Governor in Council will see the juſtice of affording me the same opportunity of appealing in person to the honourable Court, that has been granted to Colonel Capper, and which indulgence is, I believe, conformable to the wish of the honourable Court of Directors in such case, to enable the Court to come to the earliest possible decision upon them.

As I am led to believe the ship will be dispatched in the course of this week, may I requeſt the favour of an early reply.

I have, &c. &c. &c.,

(Signed) T. BOLES,
Late Dep. Adj. Gen.
and late Major 3d N. Reg^{t}.

Madras,
19th Feb. 1809.

Extract Military Letter from Fort St. George, dated 28th February 1809.

Par. 7.—IN promoting the currency of the inflammatory order of the late Commander in Chief, those officers* had committed an act of great enormity; but it was remote from our desire to punish wantonly, and we had no wish but to preserve the foundations of public order. We were therefore fully prepared to have received

* Adjutant Gen^{l} and Deputy.

received any acknowledgement which either or both of the officers in queſtion might have made, as an atonement for their conduct. No. 6.

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8.—If the act by which they had, to the extent of their means, injured and insulted the authority of the Government, had proceeded from any imperfect conception of their duty, as to their obligation to execute an order in itself unconſtitutional and illegal, or if they had entertained a desire to repair the injury, the course was open and obvious: but the course which was adopted, was in every reſpect the reverse of the mode of proceeding which the public duty of those officers imperiously required. The language which was held, was very different from that of acknowledgement and atonement, and the conduct which was observed, was calculated to inflame to a higher degree, and not to allay, a ferment already too much excited.

9.—In these circumſtances the Adjutant General of the Army, and his Deputy, became in all reſpects parties to the dangerous proceedings of the late Commander in Chief; and the same powerful reasons which prompted our measures with regard to the late Commander in Chief, compelled us to extend the punishment of the Officers of his Staff, who ſhared in his offences.

10.—In adopting these and the other measures which we have reported to your honourable Court, we have discharged, according to the beſt of our judgment and conscience, the sacred duty which we owed to the Company and to our Country. We are satisfied that those measures were essential to the support of the authority of the Government, and though the difficulties with which they have been attended have been of no ordinary nature, we rely with confidence in the juſtice, wisdom, and firmness of your honourable Court, for that sanction of our proceedings which must be essential to render them effectual and of permanent advantage to the public intereſts.

18.—We transmit by this opportunity a Memorial which has been addressed to your honourable Court, by Major Boles; under the explanation which we have already ſtated, we consider no observation on the subject of that Memorial to be necessary.

Extract Military Letter to Fort St. George, dated 15th Sept. 1809.

Par. 98.—WITH reſpect to the suspension from our service of Major Boles, the Deputy Adjutant General, and of Lieut. Colonel Capper, the Adjutant General, we are of opinion, that as those officers were placed in a situation of difficulty, their removal from their reſpective employments on the Staff, would have been a sufficient mark of your displeasure, and we therefore direct that their suspension from our service be taken off.

Extract Minute of the President, 1st May 1809.

THERE are, however, certain principles and legal authorities applicable to the case of Major Boles, which have been submitted to me by the Judge Advocate General, which I deem it of essential importance to enter on record.

They will be found in the Paper (No. 7.) annexed to this Minute. No. 7.

In this Paper the Judge Advocate General has shewn, with great force of reasoning and authority, that an officer cannot be allowed to juſtify his compliance with an illegal order; but he may plead in alleviation of such an offence, that he acted under a mistaken idea of his duty, or that he had been misled by the example of his superior officer.

If such a plea had been resorted to in the present instance, I should have been happy to have attended to it. But instead of offering any plea of this description, a juſtification, intemperate in its nature, was attempted by Major Boles, in a communication which General Gowdie was pleased to hold with him on the subject. The particulars of this conversation are detailed in the accompanying Copy of a circular Letter from General Gowdie, addressed to the Officers commanding divisions of the Army. No. 8.

Whatever doubts therefore might have been entertained, as to the propriety of Major Boles's suspension, under the idea that he had suffered for a mere casual error

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or inconsiderate mistake (as many persons have been led to suppose) there can be no difference of opinion as to the necessity of that punishment, when he thus deliberately attempts to vindicate his act, and even to consider it as meritorious.

This conduct on the part of Major Boles may have proceeded from an erroneous mode of thinking, and from an adherence to a false principle; but if men will persist in their errors, and maintain their false principles, they must also abide by the consequences of such conduct. I therefore consider the case of that officer to be one, holding forth to an Army, principles of the most dangerous tendency; for if soldiers are suffered to acknowledge no superior but their General, a total dissolution of all legal government must ensue.

Papers of Authorities submitted by the Judge Advocate General.

No. 7. in Sir G. Barlow's Minute.

THE great question at present with the Army seems to be, how far an officer is justifiable in yielding obedience to illegal commands. It is to be regretted that this should ever have become a question in an English Army, for I always regarded it as a principle long settled by our laws, and by the very nature of our constitution itself.

But in order that there may be one record, so full an examination of this point, as may supersede the necessity of any farther discussion, I shall here collect such legal authorities as have come before me, in reference to it; for as the question, if I am rightly informed, has been but seldom or never brought before the Courts of Justice, no direct decision is to be found in regard to it, but the one already quoted by me in my letter of the 20th February last.

De Lolme has remarked as one of the leading features of the English Constitution, the astonishing subordination in which the Military is kept to the Civil power; "all "Courts of a Military kind are under constant subordination to the ordinary Courts "of Law; officers who have abused their private power, though only in regard to "their own soldiers, may be called to account before a Court of Common Law, and "compelled to make proper satisfaction, even any flagrant abuse of authority com- "mitted by Members of Courts Martial, when sitting to judge their own people, "and determine upon cases of a bare Military kind, makes them liable to the ani- "madverson of the Civil Judge. To the above facts concerning the preeminence "of the Civil over the Military power at large, it is needless to add, that all offences "committed by persons of the Military profession, in regard to individuals belonging "to the other classes of the people, are to be determined upon by the Civil Judge. "Any use they may make of their forces, unless expressly applied to, and directed "by the Civil Magistrate, let the occasion be what it may, makes them liable to be "convicted of murder for any life that may have been lost: pleading the duties or "customs of their profession in extenuation of any offence, is a plea which the Judge "will not so much as understand." (p. 463.)

Thus we see that the decision of their own Courts is under that of the Civil, the abuses done in regard to their own men, punishable by the Civil Judge; and any plea as to the duties of the profession, in extenuation of any crime totally disregarded.

The King is, in England, considered as the Commander in Chief or Generalissimo of the Forces. He is the head of the Army; the whole military authority flows from him. But "suppose," says an author of the first authority, "that an officer of "the Crown, under colour of the King's commands, should issue commissions contrary "to the Bill of Rights, to raise an Army in time of peace, without the consent of "Parliament, and engaging a faction in the scheme, should assemble troops "together, procuring loans from the people, by the terror of them, what would the "offence be deemed?"—The author answers, "It cannot be extravagant to affirm "that it is unlawful, and even treasonable, to take up arms by warrant from the "King's person, against his authority; the producing of a paper under the King's "signet, which might be called the warrant, is no justification; the Law not only "construes it to be void, but supposes it is not the royal act, nor will receive it in "evidence. And if sufficient overt acts can be fixed upon this officer, as the in- "strument to execute the purport of it, such being the wisdom of the Constitution, "as when it has invested the Crown with the largest powers of action, to make the "instruments and organs of those powers account for the abuse or the exceeding of

"them

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" them at their own peril, and thus they become a kind of controul in the very " exercise."—(Considerations on the Law of Forfeiture, 112, ascribed to Lord Chancellor Yorke.)

The principle is so well understood in England, that the commands of a superior officer is no justification for a violation of the law, that an excuse of that kind is never attempted. The highest military officer sinks into a private citizen in presence of the civil magistrate of a petty borough; and shall it then be admitted, that the Government of this country, in whom the whole civil and military authority is vested by express law, shall be resisted with impunity? The law is surely as much to be obeyed in this country, as in England; for where the political establishment places one officer in authority over another, the obedience of the inferior is only obedience to the law.

The principle of obedience which officers owe to their military superiors, may be stated with the following limitations; for it would be very dangerous on the one hand, to admit of unlimited obedience, and very inconvenient on the other, to encourage officers to dispute the authority of their superiors. I shall therefore adopt the following position, as containing the legal notion of the obedience due to the order of a superior officer. " The order must be such as falls within the bounds of " the officer's commission, and known customary line of duty; and, though given in " his proper department, it must farther be at least an excusable order, or of that " nature as to be the subject of different opinions; not a plain injury and aggression " on his part."—(Hume's Criminal Law, Vol. I. p. 54.)

In general it is dangerous to admit that a simple doubt may dispense with obedience to a lawful superior, and it suffices to grant this dispensation in cases where the injustice of command is evident and undeniable. It is just, where that is " doubtful, that the presumption should be in favour of the superior."—(Barbeyrae's Notes on Grotius, b. 1. c. 26.)

Now to apply these principles to the case of the Adjutant General and Deputy. It ought to have been obvious to those officers, that General Macdowall exceeded the bounds of his authority, in offering violence to the orders of that power which had been placed over him by the express law of his country, and whose orders he was bound by his commission to obey. They could not here plead ignorance of the law, or the orders of Government (which must always be taken for a law by our Army) for the former order of Government, directing the release of the Quarter-master General from arrest, had sufficiently declared it. They must have been sensible that the order of the Commander in Chief was meant as an outrage against the authority of the Government. They must have been sensible that it was meant as an insult and degredation of that authority which protected the Quarter-master General; they ought to have felt that Government would in the like manner have protected them in the legal discharge of their office, and in their declining to sign or issue a paper calculated to produce the mischiefs which it has too effectually done.

It is a principle in every country, without any exception whatever, that no one shall be allowed to justify that which the law condemns. A man shall not justify that which on the face of it is a crime. He shall not justify murder; though he may give the particular circumstances in evidence, such as provocation, sudden passion, accident or the like, and allow the effect of these alleviating circumstances to be determined by the Judge or Court. The same principle we have seen applied to the acts of the General Government of this country; in cases where they have been obliged to infringe upon an Act of Parliament, they have never attempted to justify the act, or to say that they had a right to violate the public law; but have stated the circumstances of the case under which they had been obliged to act, and prayed for a Bill of Indemnification, as was the case with Mr. Hastings, in his contentions with the Supreme Court; and latterly with Lord Cornwallis, on his coming round to Madras, to assume the command of the Army during the period of the war with Tippoo. In both of these cases a Bill of Indemnification was given by Parliament.

(Signed) J. LEITH.

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Extract of a Letter from Sir George Barlow to Lord Minto, dated the 1ſt April 1809, marked "*private*;" communicated in a Letter from Lord Minto to the Chairman, dated the 25th April 1809.

WITH reſpect to Major Boles, we thought it an eſſential part of the ſolemn proceeding connected with the removal of the late Commander in Chief, to ſuſpend this officer, and the Adjutant General. One of our objects was to eſtabliſh the important principle, that officers are not only not bound to obey illegal orders, but that their obedience renders them equally criminal with the perſon with whom ſuch orders originate. The eſtabliſhment of this principle is perhaps of particular importance in India, where the greater part of the European community conſiſts of officers of a large local Army, many of them impatient to return home with fortunes, and who hold their ſituations under regulations which give the Government very little controul over them individually, compared with the means of controul which the King poſſeſſes over the officers of the Royal Army. As long as this is a received principle of the Indian Army, we are ſecure againſt the danger of military commotion; becauſe no ill-diſpoſed commander or officer can diſturb the eſtabliſhed courſe of affairs, or ſubvert the authority of the Government, if he finds reſiſtance in carrying his orders, when obviouſly illegal, into execution. But if the officers of this Army were to ſucceed in eſtabliſhing the oppoſite principle, that officers were bound to obey all orders of the Commander in Chief without reference to their legality, any factious or imprudent Commander in Chief, regardleſs of future conſequences, might at any time ſet the authority of the Government at defiance, and even ſupersede it altogether. This, however, is the doctrine maintained by Major Boles. We were at firſt well diſpoſed to reinſtate him in the ſervice, and in his office, on his expreſſing a ſenſe of contrition for his conduct. He was adviſed by his friends to adopt this line, and General Gowdie, before the office of Deputy Adjutant General was filled up, offered of his own authority, to recommend his reſtoration on that condition. A Note of the Converſation which paſſed on the occaſion is incloſed. From the reſult, your Lordſhip will ſee how juſtly he merits the puniſhment which has fallen upon him.

A Note of Converſation that took place betwixt Major General Gowdie and Major Boles, relative to the circumſtance that occaſioned that Officer's ſuſpenſion.

Major General Gowdie took occaſion to ſay to Major Boles, "Boles, for God's "ſake make ſome conceſſion to Government; were it only, that when you put your "name to the paper, you thought you were doing right, but now you are ſorry for "having done it, as Government thought otherwiſe, or words to that effect;" on which Major Boles exclaimed, in ſome degree of warmth, "I am ſorry for nothing "I have done, nor ever ſhall be." General Gowdie had intended, if any conceſſion had been made on the part of Major Boles, to have told him that he would recommend him to be reinſtated.

Major General Gowdie told Major Boles, previouſly to Major Macdowall's appointment to the office of Deputy Adjutant General, that if he would make any conceſſions, he had not a doubt but he would be reinſtated in his ſituation.

(Signed) FRANCIS GOWDIE,
Major General Comm[g].

Extract Circular Letter from General Gowdie, Commander in Chief of the Madras Army, dated 10th April 1809.

To the Officers commanding Divisions.

* Addreſs to Major Boles, promiſing ſupport.

AS compaſſion for Major Boles may have drawn in the officers to *this meaſure, I think it proper here to explain, that Major Boles has in my opinion deprived himſelf of any particular claim to feelings of that nature. It had never been, I was perſuaded, the intention of Government, to deal ſeverely with that officer, but only to vindicate that reſpect due to their own authority which every Government muſt be anxious to maintain; and accordingly (but without any inſtructions to that effect) ſoon after my ſucceeding to the command, I took the occaſion to ſignify to Major Boles, that if he would expreſs any adequate regret for what he had done, as that when he had affixed his ſignature to the order, he was not aware of the conſequences, and thought he was acting

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acting right, without meaning any offence to Government, but was now sorry for what had happened, I would make it my business to get him reinstated in his rank and official situation. But this explanation, so natural to have been expected, and which included in it no personal concession of character, was rejected (and not without some warmth) by his exclaiming, that he was sorry for nothing that had happened, or words to that effect.

Fort St. George, 1st May 1809.

G. O. by Government.

(Extract.)

THE following officers, who have been suspended from the service of the Honourable Company until the pleasure of the Court of Directors shall be known, are directed to hold themselves in readiness to proceed to England by such opportunities as the Honourable the Governor in Council may think proper to point out; viz. Major Thomas Boles.

Extract Military Letter to Fort St. George, dated 29th September 1809.

Par. 9.—IN our letter of the 15th September 1809, we stated our opinion, that as Major Boles appeared to have been placed in a situation of difficulty, his removal from his Staff appointment might be a sufficient mark of your displeasure, and we therefore desired that he might be restored to the service; we are sorry, however, to find now, that Major Boles has not conducted himself merely as an officer impelled by a conviction of military duty, to act in opposition to the sense of Government, but has gloried in that opposition; and it must fairly be presumed, that it is with his own consent his case has become one of the rallying points for systematic resistance to the Government, in support of the pernicious and unfounded doctrines of the late Commander in Chief, whose cause Major Boles appears to have cordially espoused. Under these circumstances, although we were not disposed to remove him from the service, on the score of obedience, which he might deem to be right, to the order of his commanding officer; yet, as there can be no pretence of right or duty in a factious opposition to Government, now become so dangerous, and so much promoted by his means, we direct that he be suspended from our service.

10.—We highly approve the General Orders which you issued on the 1st of May and we trust that they will have the effect of bringing back such of the officers of your establishment as have swerved from the true principles of military subordination, to the temper of mind which is no less essential to their own interest and happiness than to the interest of the State, and to that honourable sense of duty upon which the discipline and efficiency of an army must ever depend.

Extract of a Letter from the Governor General in Council of Bengal, to the Governor and Council of Fort St. George, dated 27th May 1809.

Par. 69.—NOTWITHSTANDING the sentiments we have expressed concerning the true nature and tendency of the General Order in question, we have not neglected to consider whether the officers who gave it currency, by the orders of the Commander in Chief, were responsible for its criminal purport, and were on that account justly removed from their offices.

70.—In deliberating upon this question, we resorted naturally to such general principles applicable to the subject, as we thought best established and most free from doubt.

71.—The following propositions have appeared to us of that description:

First, That, as a general principle, a military officer is not only justified in obeying an order of his superior, but that he is bound to do so, without regard to the quality of the order. Under this head we consider the Adjutant General as obliged, in a peculiar manner, by the duties of his office, to publish to the Army any orders which the Commander in Chief may commit to him for that purpose. We are clearly of opinion, as a general principle, that the Adjutant General is not bound to deliberate on the propriety of the order which he is commanded to issue; that it would

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be a breach of military duty to do so; that he is merely ministerial in these functions, and is not responsible, personally, for the propriety or impropriety of the orders he may circulate officially to the Army.

72.—We regard these principles as very important, and in a manner fundamental in the theory of military subordination.

Secondly, We consider, however, as not less established, that the general principle above stated is subject to exception and modification. The modification by which the general principle of simple obedience ought to be limited, is in our judgment the following; that *criminal* orders are not to be obeyed, and that the officer who executes a criminal order of his superior, is personally responsible for his conduct. We look upon this modification of the general military principles, as forming itself a great and primitive principle, not less important and fundamental for the civil security of society, than we allow the other maxim of implicit obedience, to be for the due support of military subordination.

73.—Considering then, as we have already stated, the General Order of the 28th January as a seditious paper, we might at once pronounce the Adjutant and Deputy Adjutant General guilty of sedition, by publication of that order, notwithstanding the authority under which they acted.

74.—But that judgment would not be justified by the mere criminality of the order which they issued; and it is necessary, in order to establish their participation in the crime, and to render them personally responsible, to shew that they were acquainted with the seditious character of the paper.

75.—In forming our judgment upon this point, we have not considered it an abstract question, but as fit to be combined with all the circumstances of the case, and especially with those in which the parties concerned were placed; and from this view of the question, it has in our opinion resulted, that Colonel Capper and Major Boles are to be considered as partaking personally in this act of Lieutenant General Macdowall, and as deeply responsible for its pernicious and criminal tendency.

76.—Before this order was prepared, it was not only known to those two confidential Staff Officers of the Commander in Chief, but it was notorious to the whole Army and Settlement, that there was a warm and vehement dissension between the Commander in Chief and the Government. These officers were acquainted with the prosecution of Lieutenant Colonel Munro, and the part which Lieutenant General Macdowall had taken in that proceeding. They knew that every step in that extraordinary transaction, was a studied insult to the Government. They knew that Lieutenant General Macdowall had become the patron and channel of a Memorial to the Court of Directors, highly disapproved by the President in Council of Fort St. George, which he had himself, at the instance of that Government, and at no distant period, written circular letters to discourage and suppress, but which, in a riper stage of hostility towards the person and authority of the Governor, he had countenanced and promoted. It is, in fine, superfluous to prove what is beyond doubt and is not denied, that a warm passionate rupture had broken out between these two high authorities.

77.—The Commander in Chief of an Army in open and ardent opposition to the Government which he serves, is no trivial event, and constitutes a state of things from which some consequences applicable to this question have appeared to us to follow.

78.—We consider these circumstances therefore as furnishing a new modification of the military principle first asserted, and we are of opinion that, in such extraordinary and momentous emergencies, it is fit and necessary to require that an officer, whose duty it is to give currency to the orders of the Commander in Chief, should, contrary to the general principle of blind obedience which ought to prevail in ordinary times, carefully consider these orders, and deliberate seriously upon their nature and purview, before he publishes them. The circulation, in heated and factious times, of a seditious address to the Army, has no analogy to the principle of military obedience to a military order in the common dispatch of business, and cannot be governed by the same rules.

79.—We are, after much and serious reflection, decidedly of opinion, that this restriction of the military principle, the general importance of which we nevertheless feel most sensibly, cannot impair the obligations of military subordination and obedience in any manner or degree prejudicial to the natural and legitimate objects of military

military command, and that in times of trouble, it may afford a most salutary and necessary protection to the Government and people, against the possible perversion of military supremacy to the purposes of sedition or faction.

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80.—In a natural and wholesome state of things, the obedience of subordinate officers is to be implicit, admitting of no deliberation, and subject to no responsibility, except for plain and manifest crimes. In such distempered seasons of open contention with Government as are now in question, addresses from Commanders in Chief to their Armies, having reference to such debates, are a fit subject of deliberation to those whose office it may be to transmit them, and a responsibility belonging exclusively to such occasions must attach even to their official and ministerial acts.

81.—In conformity with these sentiments, we have no doubt of the responsibility of the late Adjutant and Deputy Adjutant General of your Army, on the occasion of publishing the General Order of the 28th January, and we are of opinion, that if the author of that order is himself guilty of sedition, as we esteem him to be, these confidential Officers of his Staff, who consented to be instruments of his crime, are under all the circumstances implicated in the guilt, and subject to the penalties of the offence.

Extract Bengal Secret and Military Consultations, 16 March 1789.

Extract of a Letter from Lord Cornwallis to General Horne, dated as above.

BEFORE I conclude this letter, I must express my wish that it should be recollected by the Civil and Military departments at Madras, that the Adjutant General of the Company's troops on that establishment cannot, without the greatest irregularity (unless, as I have already mentioned, the functions of the Commander in Chief should be exercised by the Board) have any direct communication with the Civil Government. He has no independent authority of his own, but is only an executive instrument in the hands of the Commander in Chief, or of the senior officer of the troops, when discharging, as at present, the duties of that office, for circulating his order to the Army, in the manner that he may think proper to direct. All Minutes of Council or Orders of Government that relate to the troops, ought to be addressed directly to the Commander in Chief or senior officer, and he alone should be held responsible to Government for the proper distribution and effectual execution of them.

Extract Fort St. George Military Consultations, the 3d February 1809.

Read the following Letters from Lieutenant Colonel Capper.

To the Chief Secretary to Government,
Fort St. George.

Sir,

THE Honourable the Governor in Council having judged proper to remove me from my situation of Adjutant General of the Army, and suspend me from the service, for having obeyed the order of my Commander in Chief, a non-compliance with which order would have subjected me to the severest punishment that military law could inflict, I have to request the permission of the Honourable the Governor in Council to proceed by the earliest opportunity to Europe, that I may be enabled to lay before a higher tribunal, the peculiarly delicate situation in which I have been placed, and that I may apply for that redress which the honourable Court of Directors have ever granted to those of their servants who have been injured.

I have the honour to be, &c. &c.

Fort St. George, 1st Feb. 1809.

(Signed) F. CAPPER,
Lieut. Col.

To the Chief Secretary of Government, Fort St. George.

Sir,

I TRUST I shall not be deemed disrespectful in requesting an immediate reply to my letter of the 1st instant, soliciting leave to proceed to Europe.

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I feel impatient to be relieved as early as possible from my present painful state of suspense. I consider it a duty I owe not only to myself, but to those connections and friends whose opinions I most value, to lose not a moment in endeavouring to remove the public stigma that has been attached to my conduct, or to see my degradation confirmed by that authority which has alone the power of doing so.

I have the honour to be, &c. &c.

Fort St. George, 3d Feb. 1809. (Signed) F. CAPPER, Lieut. Col. 4th. Reg[t].

Ordered, That the following Reply be dispatched.

To Lieutenant Colonel Capper.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letters of the 1st and 3d instant, and to acquaint you that he has no objection to your proceeding to England.

I am, &c. &c.

Fort St. George, 3d Feb. 1809. (Signed) G. BUCHAN, Chief Sec[y] to Gov[t].

Extract Letter from Lieut. Col. A. Sentleger, to the Secretary to Government at Fort St. George; dated 7th April 1809.

I CANNOT abstain from adding, in support of my sentiments on this subject, that I believe the first and only time that the obligation of an officer to obey in all cases the orders of his superior, became agitated before the House of Commons, was at the instigation of General Burgoyne, at the commencement of the *impeachment* of Mr. Hastings; when I believe it was admitted, that in cases where the orders to be obeyed were of a treasonable nature, and in these cases only, did the responsibility attach to the officer who executed the commands of his Military Superiors.

Extract Fort St. George Secret Consultations, the 9th May 1809.

Extract Letter from Major Boles, dated 5th May 1809.

I AM equally uninformed of the cause I may have given by my personal conduct, for being now thus abruptly ordered out of the country; I therefore most respectfully solicit that I may be informed of the cause that I may have given to draw down upon me this further instance of the marked displeasure of Government, to afford me the opportunity of obtaining, ere I am ordered to embark, such proofs as may appear to be necessary to exculpate myself to the honourable the Court of Directors, from even the suspicion of crime; for from intentional crime I must, with all due submission, declare myself to be wholly free.

Extract Fort St. George Secret Consultations, 30 May 1809.

Extract Letter from Major Boles, dated 29 May 1809.

I HAVE the honour to acknowledge the receipt, yesterday evening, of Mr Secretary Falconar's letter under date 27th instant, and I again hasten to express my readiness to comply with the orders of Government therein contained; but I beg leave to state, with every possible respect, that in common justice to myself, and to the character I have ever supported, I cannot name any day on which I can embark on the Devaynes, 'till I shall have been honoured with a reply to my letter to Government, dated the 5th instant: that letter yet remains unanswered, and the necessity of my being informed, ere I quit India, of the extent, or the grounds of complaint against me, is too apparent to require comment.

Extract

Extract Letter from the Chief Secretary to Government, to Major Boles, dated the 31st May 1809. No. 6.

Proceedings respecting Lieutenant Colⁱ Boles.

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter of the 29th instant, and to inform you that the Governor in Council considers it sufficient to acquaint you, in reply to the request contained in your letter, that the papers relating to your suspension from the service, have been transmitted to the honourable Court of Directors.

Extract Fort St. George Secret Consultations, the 9th June 1809.

Extract Letter from Major Boles, dated the 3d June 1809.

I CANNOT omit to represent to the Honourable the Governor in Council, that the circumstance of my being thus ordered away to a strange Settlement, where I may remain for an indefinite time, must be felt as a further punishment inflicted upon me for some offence, of which I am entirely ignorant; and conscious innocence emboldens me to say, that the quiet, inoffensive, and retired manner in which I have lived ever since my suspension from the service, ought to have exempted me from any aggravation of the sentence already passed upon me.

In reply to that part of Mr Secretary Falconar's last letter, he says, "the Governor "in Council considers it sufficient to acquaint you, in reply to the request contained "in your letter, that the papers relating to your suspension from the service, have "been transmitted to the honourable Court of Directors." In justice to myself, but with every possible deference to the opinion of Government thus communicated, as a cause wherein my character, conduct, and future prospects in life are concerned, I must venture to express my respectful dissent to the justice of this decision; and as I presume that copies are retained of all papers forwarded to the honourable the Court of Directors, I beg leave to solicit most earnestly, that I may be furnished with copies of all such papers as may in any way relate to me, and to my alleged offences, to enable me to obtain, ere I embark, such proofs as may be necessary to clear me to the honourable Court, of all and every imputation of the crime or crimes with which I may have been charged.

Extract Letter from the Chief Secretary to Government, to Major Boles, dated 9th June 1809.

I AM directed farther to observe to you, that the grounds upon which you have been suspended from the service of the Honourable Company muſt be fully known to you, as they have been explicitly ſtated in G. O. of Government, publiſhed on the 31ſt January laſt; and you have already been informed that your Memorial has been transmitted to the honourable the Court of Directors. The Governor in Council therefore does not consider any further communication to you on the subject to be necessary.

Extract Fort St. George Secret Consultations, the 13th June 1809.

Extract Letter from Major Boles, dated 11th June 1809.

I HAVE the honour to acknowledge the receipt of Mr. Secretary Falconar's letter of the 9th inſt. containing the following paragraph:

"I am directed further to observe to you, that the grounds upon which you have "been suspended from the service of the Honourable Company are fully known to "you, as they have been explicitly ſtated in the G. O. of Government, publiſhed "on the 31ſt January laſt; and you have already been informed that your Memorial "has been transmitted to the honourable the Court of Directors."

In order to prevent the possibility of any misconception on this head, and to remove any imputation of wiſhing to give unnecessary trouble to Government, I muſt beg leave to ſtate, that although I received a letter from Mr. Secretary Falconar, under date the 31ſt ult. in which he says, "the Governor in Council considers it "sufficient to acquaint you, in reply to the requeſt contained in your letter, that the

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Proceedings respecting Lieutenant Col^{l} Boles.

" papers relating to your suspension from the service have been transmitted to the " honourable Court of Directors," I could not by any means underſtand that my Memorial was included as one of the papers transmitted to the honourable Court; ſo far from it, that the receipt of it by Government was not even acknowledged in any letter I have been honoured with, and which circumſtance I took the liberty of bringing to the particular notice of Government in my letter of the 5th ultimo.

Upon the grounds of my former requeſt, I muſt be permitted to repeat my moſt earneſt ſolicitation, " that I may be furniſhed with copies of all ſuch papers as may " in any way relate to me, and to my alleged offences;" for without my being able to produce explanations in vindication of my conduct upon every point that may have been urged againſt me, and the circumſtances under which I acted, I can only be considered, wherever I may go, as a criminal guilty of no common act of delinquency; for who will believe that I have been ſuspended from an official ſituation of ſuch reſpectability, and from the ſervice, merely for an act which every military man of any honour or feeling does conſider as one in the common routine of official duty, in the performance of which I had no option; and that I am now (without having given any other cauſe of complaint) ordered out of the country, to a more diſtant Settlement, among ſtrangers, for the purpoſe of being ſent to Europe; and this too by the very Government that on my firſt ſuſpenſion refuſed to grant me the leave I three times ſolicited, to go home by a direct conveyance, to ſeek redreſs.

I truſt and hope that the Government will yet reconſider this part of my repreſentation, which with all due reſpect I think I am well juſtified in making under the very peculiar circumſtancs of my caſe, from my length of ſervice, from the honourable rank I held, and from the character I will be bold to ſay that I have ſupported, without ſtain or reproach, during the beſt part of my life, which I have ſpent in the ſervice of the Honourable Company.

Extract Letter from the Chief Secretary to Government, to Major Boles, dated the 14th June 1809.

THE Governor in Council conſidered it to be ſufficient to refer you to the communications which have been already made to you reſpecting the remaining points ſtated in your letter of the 11th inſtant.

Extract Bengal Political Conſultations, the 29th July 1809.

Major Boles, to N. B. Edmonſtone, Esq. Chief Secretary to Government, Calcutta.

Sir,

I HAVE the honour to requeſt you will do me the favour to ſubmit the accompanying letter to the Right honourable the Governor General in Council with your earlieſt convenience.

I have, &c.

Serampore, 26th July 1809.

(Signed) T. BOLES,
Late Dep. Adjutant Gen. and Major 3d N. Regt. Madras Eſtabliſhment.

No. 60.—To the Right honourable Lord Minto, Governor General in Council, Calcutta.

My Lord,

THE accidental peruſal this morning of a printed paper, circulated from the office of the Adjutant General at Madras, purporting to be a copy of a letter from the Supreme Government to the Honourable Sir G. H. Barlow, Bart. and K. B. Governor in Council, Fort St. George, and dated 27th May 1809, compels me, however unwillingly, to address myſelf to your Lordſhip in Council, for the purpoſe of diſclaiming the intentions imputed to me in the 76th and the ſubſequent paragraphs of that letter, and which I could not have expected would have been hazarded at any period, but more particularly after the delivery of my Memorial to the honourable the Court of Directors, under date the 24th February 1809, wherein I had ſolemnly declared, that at the time I ſigned the Commander in Chief's General Order

Order of the 28th January 1809, I did consider it to be my indispensable duty so to do; and again, that I had never been called upon by the Government for any explanation, or had had any opportunity to extenuate my supposed guilt, by a declaration of the integrity and uprightness of my intentions.

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I muſt beg to be here underſtood, as not now intending, by ſolicitation, to preſs for the interference of the Supreme Government reſpecting my reſtoration to the ſervice, and to my Staff ſituation; for, nearly ſix months having elapſed ſince I was ſuſpended, much would be required to compenſate to me for the very great and undeſervedly aggravating diſtreſſes to which myſelf and family have been ſubjected.

From the tenor of the 76th and other paragraphs of the above-mentioned paper I muſt ſuppoſe that I have been repreſented to the Supreme Government as a confidential Staff Officer of the late Commander in Chief, Lieutenant General Macdowall, and therefore perfectly acquainted with the diſſenſions between him and the Government of Fort St. George; that I knew every ſtep in the proſecution of Lieut. Colonel Munro was a ſtudied inſult to Government; that I knew that Lieutenant General Macdowall had become the patron and channel of a Memorial to the Court of Directors, highly diſapproved by the Preſident in Council of Fort St. George; and it is inferred that I am guilty of ſedition, by having conſented to become the inſtrument of General Macdowall's crime, in publiſhing in my official capacity his General Order, which that Government have thought proper to declare to be illegal.

If ſuch has been the nature, intent, or meaning, or if ſuch have been even inſinuated in the repreſentations to the Supreme Government, I am bound by every duty I owe to myſelf, to declare moſt ſolemnly and unequivocally, that the whole and every part of ſuch ſecret repreſentation or inſinuation is unfounded and unjuſt.

Whatever reſpect I may have had, or do yet entertain, for the character of Lieutenant General Macdowall, or however it may argue a deficiency, on my part, of qualities, to have induced a confidential intercourſe with the officer at the head of that Army to which I was Deputy Adjutant General, I feel myſelf bound to declare, that though one of the immediate Staff of General Macdowall, I was not at any period on terms of familiar intercourſe with him; and although he was in the habit of ſeeing much company, I never was invited to his table, except on two occaſions: It cannot therefore be ſuppoſed that I enjoyed his confidence un-officially; and it is equally well and generally known, that neither my diſpoſition or conduct could have warranted the aſſertion, that I concerned myſelf with the buſineſs or the views of others; but I confined myſelf to the duties of my own ſituation, which, as Deputy Adjutant General, the cuſtom or the uſage of the ſervice does not neceſſarily render a confidential one, ſo long as the Adjutant General is himſelf preſent at Head Quarters.

I muſt further ſtate, that I never did know or imagine that any of the ſteps taken againſt Lieutenant Colonel Munro, were ever intended to inſult, or had any reference to the conduct of the Government; and I alſo declare, that until after my ſuſpenſion from the ſervice, I had no knowledge of the particulars of the Memorial from the Army to the Court of Directors, or of the circumſtances connected with it, although I am ſpecifically charged with having acted under the knowledge that Lieut. General Macdowall had become the patron and channel of it, and that this Memorial was highly diſapproved by the Preſident in Council of Fort St. George.

I further declare, that the firſt intimation I had of the Commander in Chief's intention reſpecting the order of reprimand to Lieutenant Colonel Munro, of the 28th January 1809, was the receipt of it at the Adjutant General's Office on that very day, in the hand-writing of the Commander in Chief; and that I neither then or ſince knew, nor conſider it as having that tendency which the Madras Government has been pleaſed to impute to it.

It is neither neceſſary, or would it be becoming my ſituation, to attempt to enter into any explanation of the expediency or propriety of the order of reprimand which Lieutenant General Macdowall, as Commander in Chief, thought proper to iſſue reſpecting the conduct of his Quarter-maſter General, or indeed any other order that he might have thought himſelf warranted to iſſue; *as a Soldier, I had no alternative between tacit obedience and mutiny*; my object here, however, is to endeavour to remove the impreſſions that appear to have been made on the mind of

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the Right honourable the Governor General in Council, of my having entertained the intentions which have been moſt falsely imputed to me; it is with this view that I am compelled at this moment to force myself upon the notice of the Supreme Government, and boldly (although with every possible degree of deference and respect) to declare, that neither my character, conduct, or principles, ever could warrant the assertion, that I consented to become the inſtrument of the crimes of any man, or any set of men, at any period of my life.

The approaching departure of the Right honourable the Governor General for Fort St. George, will afford his Lordſhip the moſt favourable opportunity of ascertaining, by personal enquiry, the correctness of this my ſtatement, which I requeſt may be transmitted to the honourable the Court of Directors by the earlieſt conveyance; and I confidently truſt, that ſhould this ſtatement be corroborated, his Lordſhip in Council will, in virtue of that controuling power with which the Supreme Government is inveſted, render juſtice to my character in the same public manner that it has been aspersed.

Captain Coombs (the only Staff Officer of General Macdowall's family now on the Coaſt) can bear teſtimony to the *facts* of my not having been in Lieutenant General Macdowall's confidence; and that consequently I was not perfectly acquainted with the particular circumſtances connected with the dissensions between that Officer and the Government, that I was entirely unacquainted with Lieutenant General Macdowall's having any other view in publiſhing the General Order of the 28th January 1809, than what it professed, *i. e.* to reprimand Lieut. Colonel Munro; that I did not know the particulars of the Memorial from the Army to the Court of Directors; and that I was equally unacquainted with the circumſtances connected with that Memorial, till after I had been suspended from the Service.

In corroboration of my moſt solemn and positive denial of its ever having been my intention or will, to become the inſtrument of the crime with which Lieut. General Macdowall has (in his absence) been charged, and in which I have been moſt foully ſtigmatized as a participator, I believe I may with safety to myself refer his Lordſhip to every respectable officer in the Army, for an opinion as to the integrity of my conduct and principles; but to those persons with whom the above infamous calumnies originated, who were aiding or assisting in giving them currency, or whose success or continuance in office depends on my ruin, I cannot refer his Lordſhip for an *impartial* account of my conduct; for it was necessary to their exculpation to the Supreme Government, that they ſhould overwhelm, with an accusation of some heinous crime, that person upon whom they had inflicted in a transport of rage the moſt undeserved puniſhment; and this person was myself, whom they at the time knew to be perfectly innocent in intention, and in fact; but I became the victim *because* I was known to have no means of subsistence beyond my monthly salary; an unprotected individual, not having any friends capable of supporting my cause againſt their power and influence. My enemies, however, were naturally so apprehensive of my bringing my own cause personally to the early decision of the Court of Directors, that *three* applications which I made in the month of February, for leave to go home on the honourable Company's ſhip Luſhington (on which ſhip I had obtained a passage) were coldly and unfeelingly rejected, without any reason being assigned for refusing me permission; but on the 4th of March, *three* days after the departure of that ſhip from Madras, leave was *given* to me to go to Europe, when the Government well knew, that for many months there was not any probability of an opportunity offering of my getting a passage home: and this persecution has been unremittingly continued to the present hour, notwithſtanding the very retired, quiet, and inoffensive manner in which I have lived ever since the period when my suspension was ordered.

As it is probable that the Supreme Government will in due time discover that I have been very ill used and cruelly oppressed, I entreat pardon from his Lordship in Council, for any warmth of expression which the peculiarity of my situation at this moment may have hurried me into, but which I would wish to avoid using in any communication with such high authority.

I have the honour to be, my Lord,
Your Lordſhip's moſt obedient Servant,
(Signed) T. BOLES,
Late Dep. Adj. Gen. and Major, 3d Native Regiment Madras Eſtabliſhment.

Serampore,
26th July 1809.

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To Major Boles.

Sir,

Proceedings respecting Lieutenant Col. Boles.

I AM directed to acknowledge the receipt of your letter, under date the 26th inſtant, to the Address of the Right honourable the Governor General in Council, containing an explanation of circumſtances connected with the remarks which are ſtated in the printed Dispatch of the Governor General in Council, to the Government of Fort St. George, of the 27th of May, on the grounds of your suspension from the Honourable Company's service, and to signify to you, that a copy of your letter will of course be transmitted by the fleet, under dispatch to the honourable the Court of Directors, who will form their judgment of the facts and arguments therein ſtated, and to whom also, by your presence in England, you will have an opportunity of submitting such further observations as you may judge necessary for your defence.

2.—I am directed to add, that the Right honourable the Governor General will deem it his duty to report to the Honourable Court whatever circumstances his Lordſhip's residence at Fort St. George may bring to his knowledge, bearing reference to those points of your conduct which have formed the ground of your suspension.

I have the honour to be, Sir,
your moſt obedient humble Servant,
(Signed) N. B. EDMONSTONE,
Chief Secretary.

Council Chambers,
29th July 1809.

Extract of Mr. Petrie's Minute, dated Madras, 8th September 1809.

MAJOR Boles, I have grounds for believing, was not previously informed of the intentions of the Army with respect to himself, and I am further convinced that he would cheerfully have relinquiſhed the pecuniary aſſiſtance they propose to give him, to have allayed the agitation which was then beginning to assume an alarming aspect. I could not imagine, that by endeavouring to ascertain the real ſtate of the public discontents by fair and honourable means, and by encouraging these gentlemen in using their influence with their brother officers, to redress the spirit of insubordination which had already broke out in different divisions of the Army, &c. &c.

The removal and suspension of Colonel Capper and Major Boles, the Adjutant and Deputy Adjutant General, for acting officially in publiſhing the General Order to the Army, was regretted and condemned by almoſt every officer in the Eſtabliſhment, and not less so by those in His Majeſty's service, than by those in the Company's Army. It was a new, a singular, and generally thought to be a dangerous case, to puniſh officers for obeying the orders of their superiors, and for doing what the Military affirm could not be conſtrued into an illegal act, nor could the moſt extravagant conjecture impute to these two officers the remoteſt intention of creating a mutiny in the Army. It was universally considered as a dangerous innovation in military practice, and a new feature in the Conſtitution, which, by encouraging the Army to form itself into a deliberative body, would naturally lead to insubordination and disobedience in all the gradations of military rank and authority.

It was said, that if subordinate officers are brought to discuss and decide upon the legality of the orders of their superiors, we introduce a practice of incalculable evil, neither juſtified by the spirit or practice of the laws. Is it not better, they said, to let the responsibility reſt with the authority which issues the order, except in cases so plain that the violation of the eſtabliſhed laws is evident to the meaneſt capacity. But whether these opinions, with the force of which I was so ſtrongly impressed at the period of the suspension of the two officers on the General Staff, were well or ill founded, is not for me to decide. The higheſt authority in India, to which I ſhall ever bow with submission, has eſtabliſhed the diſtinction, and has defined the bearings and relations of this moſt delicate queſtion.

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Proceedings respecting Lieutenant Col[l] Boles.

At a Court of Directors, held on Tuesday the 27th November 1810.

THE Court now, in pursuance of their adjournment of the 23d inſtant, proceeding to take into consideration further particulars relating to the cases of the suspended Madras Officers,

The under-mentioned Papers were read; viz.

Extract Letter from Lord Minto to the Secret Committee, dated the 5th February 1810—Par. 46.

Letters from Lieutenant Colonel Boles to the Court, dated the 26th February, 26th March, and 23d October 1810.

Letter from the Secretary to Colonel Boles, dated the 25th October 1810.

Letter from the Officers of the Madras Army to Major Boles, without date or signature.

Letter from the Officers of the Madras Army to Major Boles, dated the 23d March 1809, but without signature.

Extract of Minute of William Petrie, Esq. dated the 8th September 1809.

General Order, dated the 25th January 1809.

Extract of a Letter from the Governor General, Lord Minto, to the Secret Committee, dated the 5th February 1810—Par. 46—72, and 102.

Letter from Lord Minto to the Chairman, dated the 21ſt October 1809.

Report of Mr. John Green, Head Clerk in the Adjutant General's Office, dated the 8th September 1809, of the mode adopted for the publication of the General Order of the 28th January 1809.

Fort St. George Military Conſultations, dated 31ſt January 1809.

etter from Lieutenant Colonel Boles to the Court, dated the 19th November 1810.

The Court then adjourned further proceedings herein until Friday next.

Extract Letter from the Governor General, to the Secret Committee, dated 5th February 1810.

Par. 46.—THE ſuspension of Colonel Capper and Major Boles from the ſervice, muſt undoubtedly be ranked amongſt the moſt important meaſures of the period under review, and demands a cloſer inveſtigation perhaps than any other, on account of its apparent influence in precipitating the miſchief that was preparing, by furniſhing the firſt plauſible ground on which the pretence of a common cauſe could be preſented to the Army.

To the Honourable Court of Directors for the management of the Affairs of the Eaſt India Company.

Honourable Sirs,

SIR George Hilaro Barlow, Bart. Governor in Council of Madras, having refuſed me the permiſſion that I three times ſolicited, for leave to come to Europe on the ſhip Luſhington, although I ſtated my object to be that of ſeeking redreſs from the honourable Court of Directors, I endeavoured to bring the peculiar hardſhip of my caſe to the notice of your honourable Court, by forwarding, through the Madras Government, on the 24th of February 1809, a ſhort Memorial on the ſubject, and of which I ſhall have the honour of furniſhing a copy, if required.

It is the plain, candid ſtatement of a Soldier, who in the performance of what every military man conſiders an imperious duty, had fallen under temporary cenſure, though his conduct was not actuated by any one motive derogatory to the reſpect and obedience due to the Government.

I therefore truſt the peruſal of it will have fully exculpated me in the opinion of your honourable Court; and under this impreſſion, I have to ſolicit permiſſion to reſume the Staff ſituation which I had the honour to hold in your ſervice, and from which I am but temporarily ſuſpended.

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Proceedings respectings Lieutenant Col[l] Boles.

Should it, however, be deemed proper by your honourable Court to enter upon an enquiry into my conduct during any part of the twenty-four years that I have passed in the service of the Company (whom I have to the beſt of my judgment and belief served moſt faithfully) I truſt I ſhall be able, on a candid inveſtigation, to disprove any imputation that may be inserted to my prejudice in any public record.

I ſhall reſt confidently on the juſtice of your honourable Court, that no impressions unfavourable to me will be received from any quarter, without affording me an opportunity of removing them.

I have the honour to be,
with the greateſt reſpect,
Honourable Sirs,
Your moſt obedient
and very humble Servant,
(Signed) T. BOLES,
Lieut[t] Colonel and Deputy Adjut[t] General of the Army, Madras Eſtabliſhment.

No. 22, Argyle-ſtreet,
26 Feb[y] 1810.

To the Honourable the Court of Directors for the Management of the Affairs of the Eaſt India Company.

Honourable Sirs,

SINCE I had the honour to address your honourable Court on the 26th of laſt month, dispatches of a very recent date are supposed to have been received by His Majeſty's ſhip Rattlesnake, from India; and I am led to hope that every possible information from your Government in India (so far as relates to me) are now before you.

Under this belief I am once more induced to bring myself to the notice of your Honourable Court, and earneſtly to solicit an early decision on my case.

It will not, I truſt, be thought presumptuous in me to ſtate, that the merits of my case are comprised in a small compass, even in the contemplation of the Government of Madras, as well as in my own judgment; there is no difference of ſtatement as to facts on the one side or the other. The Government infer the supposed crime of which I am accused from the publication of the Order of General Macdowall of the 28th of January, and it has referred me to the Government Order of the 31ſt of January as the sole ground of my offence, and as the reason for the puniſhment inflicted on me. I am not in any way implicated in any subsequent act, nor am I accused of any participation in any poſterior measure offensive to the Government. My offence, such as is imputed to me, is a subſtantive one; and therefore it will not seem extraordinary to your honourable Court that I am moſt anxious it ſhould be taken by itself, and without relation to those unfortunate events which have succeeded at no great interval after the act of my suspension, and which depended on causes very diſtinct from any motive which could have actuated me when I gave publicity, as ordered, to the General Order of my immediate Commander in Chief.

To ſhew that I am not giving my own interpretation of my case, I ſhall beg leave to lay before your honourable Court a copy of a letter of the Secretary of the Madras Government, under date the 29th of June, which directly refers me to the Order of the 31ſt of January for a knowledge of my offences, and as composing the matters related therewith. Page 110.

I truſt, under this explanation, that I ſhall not be deemed importunate in earneſtly soliciting as early a decision as your honourable Court can give to a case of unusual and unprecedented pressure; in addition to which I beg leave to observe, that already between thirteen and fourteen months have elapsed since I have been suspended; that in the interval I have been sent from Madras to a more diſtant settlement, and from thence to England; measures that have entailed on me great and inevitable expence, whilſt my allowances have been taken from me, and with no immediate means of my own to defray these heavy, and, in my humble apprehension, unnecessary losses to which I have been exposed.

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The due consideration that these circumſtances will aſſuredly meet with from your honourable Court, will, I truſt, plead my excuse for praying that a period may be speedily put to these my great diſtresses, by reſtoring me to the official situation which I have not forfeited (as I have ventured to contend) by any act within my power to control.

I have the honour to forward to your honourable Court a copy of my Memorial, and of my correspondence with the Government of Madras, and with the Governor General in Bengal.

I have the honour to be, with the greateſt respect,
Honourable Sirs,
Your moſt obedient and very humble Servant,
(Signed) T. BOLES,
Lieut. Col[l] and Dep. Adj. Gen. of the Army on the Madras Eſtabliſhment.

22, Argyle-street,
26th March 1810.

To the Honourable the Court of Directors for the Management of the Affairs of the Eaſt India Company.

Honourable Sirs,

I HAVE had the honour to receive Mr. Secretary Cobb's letter of the 12th inſtant, communicating the intention of your honourable Court to take into consideration, on the 20th of next month, the cases of the several officers of the Madras Army now at home under suspension; and giving me notice to prepare accordingly.

I would moſt scrupulously endeavour to avoid troubling your honourable Court, especially under exiſting circumſtances, with applications now, or references during the ensuing inveſtigation; and with the view of occupying the leaſt possible portion of the time of your honourable Court on my individual case, I humbly beg leave to suggeſt the advantage that would result from narrowing the grounds of defence as much as possible; for, if I am made acquainted with the precise points to which your honourable Court will limit the inveſtigation, I ſhall then come prepared to submit my Defence to your honourable Court in as circumscribed a form as the nature of the subject will admit; and, I truſt, in a manner that will remove any unfavourable impressions that may have been conceived againſt me, either as an officer or a public servant.

I hope that this suggeſtion will not admit of the conſtruction, that I am desirous of avoiding the discussion of any matter that may be supposed to have reference to my conduct, since the only reason of this address is to spare your honourable Court all unnecessary trouble at a season of peculiar exigency and business.

I have the honour to be,
Honourable Sirs,
Your moſt obedient and very humble Servant,
(Signed) T. BOLES,
Lieut. Col[l] and Dep. Adj. Gen.
Madras Eſtabliſhment.

23d October 1810,
13, John-ſtreet, Berkeley-square.

Sir,

I HAVE received and laid before the Court of Directors of the Eaſt India Company your letter of the 23d inſtant, upon which I am directed to observe, that you are already acquainted with the proceedings of the Madras Government in your case; and I have it further in command to inform you, that it is impossible for the Court to narrow the full consideration of every point which they ſhall deem pertinent to the inveſtigation of your conduct as now before them.

I am, Sir, &c.
(Signed) WILLIAM RAMSAY,
Secretary.

East India House,
25th October 1810.

Lieutenant Colonel Boles, &c.

REPLY;

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REPLY;

EVIDENCE IN SUPPORT OF IT.

To Major Boles.

Sir,

THE officers of the Madras Army, whose names are hereunto annexed, can no longer abſtain from expressing to you their surprize and concern at the severe and unmerited puniſhment inflicted on you by an act of the Civil Government of Fort St. George, for no other reason that is ſtated, but that you obeyed the orders of their Commander in Chief in a case purely military.

Feeling the queſtion to involve circumſtances eſſential to their beſt intereſts, and fundamental to the character and respectability of the Army, no less than to the principles of martial law, they consider themselves called upon to signify to you their marked approbation of your conduct as an officer on the General Staff on that occaſion.

Whilſt your brother officers seize this opportunity to express their sense of the propriety of your conduct, they fully appreciate the personal inconvenience to which you are exposed by suspension from office, and the service. With these feelings, they requeſt the honour of repairing your injuries in the mean time, as far as lays within their power, by subscribing and paying to your order, monthly, the full amount of that pay and ſtaff allowance of which you have in this extraordinary manner been deprived.

As your conduct on the occasion alluded to is exactly conformable to what the undersigned, if placed in your situation, would have purſued, they cannot avoid making your cause their own; and, under exiſting circumſtances, such mutual support muſt be expected and accepted by all like yourself, who have or may suffer through any such exceptionable measures on the part of the Civil Government of Fort St. George, as have rendered necessary the painful ſtep we have now taken.

(A true Copy.)

(Signed) A. FALCONAR,
Chief Secʸ to Govᵗ.

Major Boles, &c. &c.

Sir,

WE, the undersigned officers of the Madras Army, cannot refrain from expressing our deep regret at the severe punishment inflicted on you for an act which, in a military point of view, appears to us to have been only necessary obedience to constituted authority.

Without presuming to investigate the motives of Government in its conduct towards you, or to question for a moment the policy of a measure which we do not profess to understand, we cannot but consider your case as peculiarly involving the dearest interests of the Army. We therefore feel ourselves called upon to declare our warm approbation of that conduct, by which you appear to us to have nobly supported the respectability of the situation in which you were placed.

In conveying to you, Sir, our sense of the public spirit which actuated you on late trying occasions, we cannot overlook the great personal inconvenience to which it has exposed you; and we shall feel proud in sharing with our brother officers the honour of paying monthly to your order, a sum equivalent to the allowances of which you have been deprived by your suspension from the service and from office.

We have the honour to be, Sir,
With esteem and regard,
Your obedient Servants.

Camp, Poroor,
23d March 1809.

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Extract from Mr. Petrie's Minute, dated Madras, 8th September 1809.

Proceedings respecting Lieutenant Col^{l} Boles.

- - - - No man can be less disposed to approve of the intemperate Order which General Macdowall published to the troops, previous to his departure, or to palliate any misconduct, which tends to encourage sentiments of insubordination in the Army; and although I fully admit, that the publication of that Order was disrespectful to Government, and called for a suitable manifestation of our displeasure, &c. &c. &c.

Extract Fort St. George General Order Book, 1809.

Head Quarters, Choultry Plain, 25th Jan. 1809.

G. O. By the Commander in Chief.

THE moment is now arrived when Lieutenant General Macdowall is to take leave of the Coast Army; an Army whose ardent courage, consummate discipline, and persevering firmness, has been displayed in the achievement of those brilliant exploits which have secured its own glory, and added to the British Empire extensive and fertile regions of incalculable value and importance. May your patriotism, valour and worth, be acknowledged and rewarded by your King, and by the East India Company, in proportion as they are known and appreciated by your Commander in Chief.

Had Lieutenant General Macdowall succeeded to the high and enviable office with all the advantages enjoyed by his predecessors, he would, upon first assuming the command, have promulged his sentiments on so flattering an event; but the circumstances of his appointment were so humiliating and unpropitious, that he declined addressing the Army, in the anxious hope that the Court of Directors might, on farther deliberation, be induced to restore him to his rights, and by altering the new and extraordinary form of Government, have enabled him to exercise the functions of his station, as the representative of the Army, with honour to the service and with credit to himself: no prospect of such an occurrence appearing at all probable, in justice to the Army, and to his character, he has determined to retire.

On quitting a country in which he has passed the greatest part of his life, and where he possesses many dear and respected friends, Lieutenant General Macdowall cannot view his separation from a body of men he is sincerely attached to, without suffering the most painful sensations. From the nature of the service, he can have little chance of meeting with them again; but he is bound to declare, that the whole tenor of their conduct has met with his entire approbation, and he will boldly affirm, without danger of contradiction, that His Majesty has not in any part of his dominions a more loyal, patriotic, and valiant class of soldiers and subjects, than the officers composing the Army under the Presidency of Fort St. George.

That success may continue to attend their steps, that their dearly-bought laurels may never decay, and that their bravery and discipline may gather additional wreaths in the field of honour, is the sincere prayer of a man who will never forget them.

Extract Secret Letter from Lord Minto to the Secret Committee; dated 5th February 1810.

Para. 46.—THE suspension of Colonel Capper and Major Boles from the Service must undoubtedly be ranked amongst the most important measures of the period under review, and demands a closer investigation perhaps than any other, on account of its apparent influence in precipitating the mischief that was preparing, by furnishing the first plausible ground on which the pretence of a common cause could be presented to the Army. I have already expressed my sentiments pretty fully on that question in my letter of the 27th of May, to the Government of Fort St. George, and I shall be relieved therefore from the necessity of treating most of the principal topics of that argument again; but I am desirous to resume, at least partially, the consideration of those questions, because I come into the present discussion under circumstances of more deliberation, of fuller information, and of somewhat greater freedom, than at the date of the letter just alluded to.

47.—Two

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47.—Two questions have always appeared to arise upon this measure: first, its justice; and secondly, its policy. I have already treated the first of these points so fully, and I confess my mind remains so entirely satisfied upon it, that I may at most permit myself to throw out a few observations, which further reflection and additional information may have suggested in confirmation of my former opinions.

48.—In the month of May the seditious proceedings of the Army had attained a great degree of maturity; there was an open struggle between that formidable body and the Government of Fort St. George; and one of the professed objects of the mutinous combination was, to force the restoration of the Adjutant and Deputy Adjutant General. It was obvious that to countenance a doubt upon any point of that contest, or to qualify by any shade of dissent the support which it was so essential that the Supreme Government should furnish on that occasion, was at once to overthrow the Government of Fort St. George, and to instal the leaders of the Army in its place. I scarcely allowed myself to consider whether that measure was judicious or not, under all the circumstances of the moment when it was adopted; and I held myself still less at liberty to let a doubt escape, which should bring into question the cordial concurrence of the Supreme Authority in India, with every point in the conduct of a Government which required our utmost aid, against an Army which had gone far in sedition, and stood at that moment wavering on the brink of revolt. These considerations, however powerful and urgent as they were, did not supersede in my mind the question of justice; and had I thought, on the best reflection I could afford to the subject, that the conduct of these two officers had been justifiable, or even that it was not certainly and distinctly criminal, I should not have attended to consequences, but should have discharged blindly the first duty of authority, by administering justice and relief. Had I not been convinced, also, that the principles upon which the justification of that act of Government appeared to me to rest, were in themselves sound and salutary, the doctrines contained in my public letter on that subject should not have issued from the seat which I occupied. On the point of policy, I did not feel that I was compelled by any duty to the public or to individuals to pronounce, and I was restrained from the expression even of doubt upon any part of the subject, by the strongest motives of public prudence. But these motives appear to me much weakened by the change that has happened in the aspect of affairs by the entire suppression of revolt, and by the high ground on which the Government of Fort St. George has been placed in reputation as well as power, by the prosperous termination of so formidable a contest. I think myself, therefore, no longer precluded from the discharge of my general duty, by confiding to your Honourable Committee, as correctly as I can, my sentiments upon the whole of this subject.

49.—I am therefore to acknowledge, that the order for the suspension of the Adjutant and Deputy Adjutant General, on the ground stated, that is to say, for having issued the General Order of the Commander in Chief, dated 28th January 1809, gave me some uneasiness. The view I at that time had received of the state of affairs, was, that Lieutenant General Macdowall had been diligently and zealously engaged in promoting a spirit of dissatisfaction and hostility against Government in the Army. That he had succeeded to a considerable degree in spreading discontent, and preparing the minds of the officers for insubordinate measures; that the charges preferred by the officers commanding Native Battalions, against Lieutenant Colonel Munro, were amongst the first fruits of this vicious combination between the Commander in Chief and the officers under his command; that an attempt was making to convert the order of Government, for the release of Lieutenant Colonel Munro, into a pretext for more general enmity to Government than had yet shewn itself; but that the whole of that proceeding was so manifestly factious in its authors, and oppressive in its object, and the questions attempted to be raised upon it so obviously absurd and groundless, that little apprehension was to be entertained by Government of any very general impression being made on the Army, by this attempt to mislead it. It was with some degree of solicitude therefore, and with some anticipation of what followed, that I saw, not a sound and sufficient motive, but a plausible, and to military minds, a sufficiently captivating pretence furnished for a more general combination against the Government. I apprehended, that the question arising out of the proceeding would be thought to affect the established principles of the military profession, and to shake the general security of military men; that the measure would furnish, in a word, a common cause, which was wanting before. My own opinion on

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the merits of the question, as an abstract point, was indeed clear and confident, and it has not been shaken by any thing I have heard or read to the present day. But I did not on that account deem the point the less questionable, in the most material sense of that word, that is to say, the less likely to be questioned; and I felt assured, that in the military world, which is the quarter of the greatest authority in such a controversy, the sentiment was likely to be nearly unanimous against the principle adopted by the Government of Fort St. George, while other opinions would be much divided. It appeared to me, therefore, that although the measure stood upon sound and important principles, it would have been desirable to avoid burthening a clear and hitherto unassailable cause, with a question subject to practical doubt, and furnishing to the adversary the advantage of a plausible point of union, which it was probable that nothing else would afford him. These were not less the sentiments of my colleagues in Bengal, than my own; but they concurred with me also in the necessity of withholding, and of suppressing any doubts we might entertain on the mere policy, a point not essential to the merits of the main question, rather than weaken by any sort of qualification, however collateral, the full support it was so important to the Public that we should yield to the Government of Fort St. George.

50.—I have stated in their fullest extent the only doubts which I have conceived, regarding the measures of the Madras Government during this difficult and arduous period, but I am not less solicitous to bring at the same time under your consideration, some observations which may be thought justly to weaken the objection which has just been stated to the measure in question, even on the point of expediency.

51.—The general order of the Commander in Chief, of the 31st of January, was not only a most blameable attempt to engage the Army in discussions, which had arisen between the Commander in Chief and Government, but it was one of the first steps in a settled plan to disturb the Government, by seditious commotion in the Army, which had already been distinctly developed, and of which I have from the beginning regarded the charges against Lieutenant Colonel Munro, and his arrest by the Commander in Chief, as the first avowed and overt act. In this state of things, firm, vigorous, and decided counsels were those, which could alone carry a Government through the approaching difficulties. In this description I never included measures of injustice; but satisfied as my mind is upon that point, it may seem doubtful whether, on consideration of expediency alone, the general advantage to be derived in such seasons from the powerful principle of energy, might not compensate the particular prejudice to be expected from the erroneous opinions which officers, whether few or many, might entertain on a point of nice and difficult discussion.

52.—It may also deserve consideration, whether the establishment of that important and fundamental principle of civil security, that military men are personally responsible for the execution of criminal orders, especially such as are of a seditious character, and leading to revolt, as all military sedition does, is not of sufficient value to justify any partial hazard that might attend the assertion of it.

53.—Speaking after the event, I have now reasons, not before warranted by experience, for doubting the justice of my own doubts, and for acknowledging that the immediate effect which I anticipated from the suspension of these Staff Officers, an effect which appeared in reality to be produced by it, and which I had naturally viewed as a matter of regret, led nevertheless in the last result to consequences which ought perhaps, on a sound and enlarged view of the subject, to be considered as highly and eminently conducive to the future and permanent security of your possessions in India. My objection was, that the measure tended to widen the sphere of discontent and turbulence, to obtain the concurrence of new and perhaps upright and well-intentioned men in the criminal views of the first movers and authors of sedition, and to induce an open rupture between the Army at large and the Government, which might otherwise have been avoided. There was, however, reason to apprehend that the flame had already spread wider than I was then aware, and that either the explosion was at all events not distant, or avoiding that extremity, that there would have remained a sullen but determined and inveterate spirit of disaffection and hostility, ready to burst upon Government at the first moment of disadvantage. Since the termination of the conflict has been favourable and decisive, we ought not perhaps to regret the contest. I do not by any means say this in the unwise

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unwise and unworthy spirit of triumph over a defeated adversary; but the elements of disorder and public calamity existing as they did, and waiting only for the first spark to inflame them, it must surely contribute to the future safety of the State, and to the future credit and interests of the Army itself, that a demonstration should have been furnished by the late events, of the vanity and hopelessness of any new attempt to overpower your Governments abroad by the criminal combinations, however unanimous, of the European officers who command your native troops.

54.—I have troubled your honourable Committee with this ample, I am afraid indeed tedious, but unreserved communication of my thoughts on this branch of the subject, because I will confess that my mind has been on one hand burthened by the consciousness that not a single sentiment should have been withheld, even under the strongest considerations of public prudence, while on the other I have peculiar satisfaction in leaving the subject to your enlightened judgment, with every modification which appears to myself calculated to weaken the impression of the only doubt I have entertained on the wisdom as well as energy of a course of measures to which the Honourable Company and the British Nation owe, in my conception, benefits so inestimable.

55.—Closing here what I had to say on the policy of this measure, I would refer to the former discussion of its general propriety and justice. I should wish, however, to reply to an objection or two which I understand to have been made to some part of the reasoning contained in my letter to Fort St. George, of the 27th May. In that paper I had stated as strongly as I felt it, and as it ought to be felt, the importance attached and justly attached to the military principle of implicit obedience to the command of a superior officer. But I had modified that general principle by the exception of *criminal orders*. To that modification of the principle of obedience, it has been objected, that it not only modifies but destroys the rule; that it throws all loose on the discretion of every one who may receive an order, to judge whether he will obey it as legal, or disobey it as an illegal and criminal command. It is contended therefore that any degree of relaxation in that maxim of blind obedience is fundamentally destructive of the whole theory of military subordination and discipline. Upon this sort of argument some officers of the Army have even affected, rather flippantly, I think, than seriously or sincerely, to justify acts of open mutiny and revolt. They considered the orders of Government or of their commanding Officer, they say, as fatal to the interest of the Public, and therefore criminal, and they have only exercised the discretion which I have declared to be lawful, in distinguishing between legal and criminal orders.

56.—To this voluntary perversion of my argument I have only to reply, that the objection would certainly prove too much; for the very exception I have claimed on behalf of the Public, to the otherwise alarming principle of military obedience, is firmly established in the Law of England and in the daily practice of every British Army, without any inconvenient relaxation of discipline being experienced from it. If an insurrection of the inhabitants of London were to endanger the Bank of England, or if a popular tumult threatened even the gates of His Majesty's Palace, and if an officer were to order his Company to fire upon the insurgents, the commonest soldier is sufficiently acquainted with the Law to know that he should be liable to capital punishment for obeying, and the order would remain without effect until a magistrate was present to warrant it. My principle does no more than impose the same obligation of exercising discretion in the execution of military orders on officers of rank, whose qualifications make an abuse of that discretion less likely than in the case of a private soldier. I contend only that they shall be held responsible for the execution of orders manifestly criminal.

57.—Upon the criminal nature of the General Order which these two officers published, I will not repeat the argument I have already maintained on that head, and I have nothing to add to it. I combined the quality of the paper itself with the circumstances under which it was published, in order to show not only that it was a seditious paper, but that the Adjutant and Deputy Adjutant General must have certainly perceived that it was so. In that part of the argument I said, that Major Boles, as holding a confidential situation under Lieutenant General Macdowall, could not be ignorant of the circumstances on which I had partly relied, as demanding the attention of that officer to the purport of the General Order before he published it, and making him the more responsible for its contents. To this Major Boles has

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thought it worth his while to interpose a denial that his office was confidential, or that he enjoyed himself the personal confidence of the General. He describes himself as very much withdrawn from general society, and seems to possess a considerable degree of ignorance of what was passing. When I gave the title of confidential to the office of Deputy Adjutant General, I did not mean that Major Boles was admitted into the very bosom of General Macdowall, and to a knowledge of all his secret thoughts and designs; I meant only that it was likely to bring him into sufficient communication and intercourse with the Commander in Chief's office, and to a sufficient acquaintance with its occurrences, to apprize him of events which I ſtated to be notorious through every part of the Settlement; viz. that there was an open and warm diſſenſion between the Commander in Chief and the Governor, and that the arreſt and releaſe of Lieutenant Colonel Munro were amongſt the ſubjects of diſpute between thoſe Authorities. This is enough for the purpoſe of my argument; becauſe with that knowledge he could not entertain any doubt that a General Order, purporting to be a reprimand to Lieutenant Colonel Munro, for addreſſing a repreſentation to Government, in conſequence of which he was actually releaſed by that Government, was an appeal to the Army againſt the deciſion of the Government in Council, and was therefore moſt manifeſtly a ſeditious paper.

58.—There are, however, other circumſtances very much deſerving of attention, which fix a moſt direct and individual reſponſibility on Major Boles, for the publication of that General Order, of which I know not how he can relieve himſelf.

59.—By the *regulations* eſtabliſhed reſpecting the publication of General Orders to the Army, it is expreſsly provided, that no General Order ſhall be tranſmitted to the Army until twenty-four hours after it ſhall have been ſubmitted to the Governor of Fort St. George. This was a rule of Major Boles's own office, and he cannot plead ignorance of it; for it required neither the confidence of the Commander in Chief, nor a knowledge of the laws againſt ſedition, to make him acquainted with it.

60.—This regulation was not obſerved; the General Order was circulated to the Army before it was communicated to the Governor, and under circumſtances of a remarkable nature, which I ſhall preſently advert to.

61.—It is anſwered for Major Boles, that the regulation above mentioned had been habitually neglected, and had fallen into a ſort of tacit diſuſe.

62.—It is true that General Orders had of late been very commonly diſpatched previous to the communication which ought regularly to be made to the Governor. But diſuſe, which regarded the ordinary routine of official buſineſs, could not apply to a paper of the deſcription now under conſideration. If Major Boles had only ſent out a few promotions or current orders of detail, he would never have heard of any objection to the regularity of his official conduct. The preſent caſe is extremely different, and it is material to ſtate the preciſe circumſtances in which he violated a poſitive and perfectly well known regulation.

63.—In the firſt place, the Commander in Chief was at open variance with Government.

64.—The General Order related ſpecifically and pointedly to a principal ſubject of that variance.

65.—It conveyed to the Army a clear proteſt againſt a meaſure of Government immediately connected with the diſpute between theſe authorities.

66.—If Major Boles was not obliged to be lawyer enough to know that this General Order was ſeditious, he muſt have at leaſt been aware he could not, by any habits of his retirement, or any other peculiarity of manners or underſtanding, fail to be perfectly apprized that this was a paper to which the rule of his office ſtrictly attached; and his omiſſion could not be the effect of negligence rendered excuſable by caſual irregularity in the diſpatch of ordinary buſineſs, but muſt have been matter of deliberate choice and deſign.

67.—This topic is very much ſtrengthened by another ſtriking circumſtance in the caſe before us.

68.—General Macdowall had embarked for England: he had reſerved his reſignation indeed, as is not unuſual, till the ſhip ſhould touch at Negapatam, in order that

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that his appointments might be continued up to the final point of his departure from India. But virtually, he had retired from the office of Commander in Chief, and had finally ceased to exercise its functions. I do not mention this circumstance as an argument, that an order he left behind him should not be executed; but it does appear to me a strong confirmation of every argument I have used, to shew that the General Order in question ought not to have been published in violation of the rules of office, without previous communication to the Governor.

69.—The Commander in Chief was no more. The Governor was the sole remaining authority connected with the publication of the Order. In these circumstances, could the breach of that regulation, provided for the very purpose of protecting Government against military sedition, be otherwise than intentional, in a case where the irregularity had the effect of depriving that Government of the means of suppressing an attack aimed at its authority by a Commander in Chief on his passage to England?

70.—The peculiarities in this case which remain to be noticed are yet more conclusive.

71.—The General Order was not sent forth according even to the ordinary measure of irregularity and abuse which had prevailed for some time in the office, and which has been pleaded in excuse of the offence imputed to Major Boles, but to the omission of previous communication to the Governor, was added a mode of transmission to the Army directly contrary to usage; and your honourable Committee will find in the annexed papers, clear proof that the manner of issuing the order was not only different from the common practice, but that it was calculated to render any interruption to that criminal proceeding from Government entirely impracticable. In this part of the case, your honourable Committee will hardly fail to discern very strong traces, not only of design, but of indirect practices, seldom employed where the end is felt to be entirely justifiable.

72.—Such are the circumstances which fasten upon Major Boles, not a general and constructive, but a plain, official and personal responsibility, for the purport of the paper which he sent abroad to the Army in a manner which no man can contend to have been authorized, or capable of being justified by any principle of military subordination, for he acted deliberately throughout the whole transaction in the clearest violation of established orders, to which, as a military man, he owed obedience.

102.—But it will certainly be felt that there may be a difference of opinion concerning the propriety or impropriety of papers, and that it is not only the right, but the duty of Government, especially in the choice of a Staff Officer, and as in this case particularly of an Adjutant General, to act upon the judgment it has itself formed respecting the propriety or impropriety of papers countenanced by such an officer.

Madras, 8th September 1809.

HAVING received the commands of Lieutenant Colonel Conway, Adjutant General of the Army, to state as minutely as possible every circumstance relative to the issue of the General Order by Lieutenant General Macdowall, dated 28th January 1809, and which has since been expunged from the records of the Army by order of Government, I proceed to make that Statement, trusting entirely to a very indifferent memory, having made no memoranda at the time of any circumstances that might guide me, as I had not then the smallest idea that I should at any future period be called upon to make this declaration.

On Saturday the 28th of January 1809, about four o'clock in the afternoon, a manuscript order, written in the hand of Lieutenant General Macdowall, with *instructions* subjoined at the bottom to Lieutenant Colonel Capper to send off as many copies of that order as possible the same night to the principal stations, was delivered to me by (I think) Major Boles, and by whom I was directed to prepare the usual copy for the press, and those for circulation; that for the press was sent, and others were by that night's post transmitted to the officers commanding

Southern Division of the Army.
Nizam's Subsidiary Force.

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Northern Division of the Army.
Malabar and Canara.
Travancore.
Ceded Districts.
Vellore.
Arcot.
Wallajabad.
Masulipatam.
Trichinopoly.
Seringapatam; and
Bangalore.

On the day following (Sunday 29th January last) copies were also prepared, and the same day sent to the officers commanding at

St. Thomas's Mount.
Second battalion Pioneers, Bombay.
Poonah Subsidiary Force.
Province of Tinnevelly.
Colonel Gibbs Detachment.
Southern Force.

On the last-mentioned day Lieutenant General Macdowall was to embark for Europe. In the forenoon, or early in the afternoon, Lieutenant Colonel Capper left the office; and a considerable time afterwards Major Boles and Captain Macdowall quitted it also, for the purpose of attending the General. After their departure I dismissed the writers for the day, locked the office, and walked towards the parade; after the general parade had passed, I returned towards the office, considering as it was early in the day, and a very busy time, that something might occur. I was overtaken by an orderly, who said he was sent to direct me to open the office; I hastened to do so, and soon after Major Boles and Captain Macdowall returned, the former having in his hand a parcel of printed orders, which I believe had been delivered to him by the peon on the parade; these were the orders of 28th January, and I received instructions to forward them by the Tappal of that night; Major Boles and Captain Macdowall set down to sign them, I prepared the covers, entered them in the Post-book, and they were dispatched.

On Monday morning the 30th January, on looking for a printed copy of the orders to send to the honourable the Governor for publication in the garrison of Fort St. George, to my utter astonishment, I found every one of those sent from the press had been signed the night before; and as Lieutenant Colonel Capper, when at Madras, made it a point at all times of sending the orders to the Governor himself, I was perfectly at a loss how to act, when Lieutenant Colonel Capper came to the office. I mentioned to him what I have here stated; he appeared rather angry, and said, it was very improper that the Order intended for the Governor should bear the signature of any other officer than himself when he was present; and paused for some time. I offered to prepare a manuscript copy; this he would not allow, as it was not customary: the Colonel then wrote the usual Note which accompanies the Orders for the honourable the Governor, to whom it was sent.

That this Declaration may appear as explicit as possible, I beg leave to account for the Adjutant General's office being opened, and all the writers having attended on Sunday the 29th January, by stating, that such is always the custom at the period of dispatching the fleet for Europe. It may also appear extraordinary that I should be so very accurate in my Statement as to the precise ſtations to which the manuscript General Order was sent on Saturday the 28th and Sunday the 29th of January; this knowledge is acquired from the Office Post-book, in which, opposise to the address of each of the officers commanding those ſtations, I caused at the time to be inserted as a memorandum, the letters *M. G. O.* instead of G. O. (as is customary in transacting General Orders); and I beg leave to declare, that without this reference I could not have pointed out the ſtations to which the manuscript General Order was sent.

(Signed) JOHN GREEN,
Conductor of Ordnance,
Head Clerk, Adj. Gen. Office.

My dear Sir, Madras, 21st October 1809. No. 6.

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I HAVE inclosed in another letter of this date, the report made by the principal Clerk in the Adjutant General's Office, of the mode adopted for the publication of the General Order 28th January, but I have not mentioned that it is entirely contrary to usage, to circulate General Orders in manuscript. They are always printed at Madras, which occasions some delay, and subjects them to the possible observation of Government, through the Government Printer. The General Orders were dispatched to *all* the ſtations on the *Saturday* and *Sunday*. The printed copy was not sent to the Governor till the Monday.

I have the honour to be, my dear Sir,
sincerely and faithfully your's,
(Signed) MINTO.

Chairman of the
East India Company, &c. &c. &c.

Extract Fort St. George Military Consultations, 31st January 1809.

THE President records the following Minute; and at the same time lays before the Board the following Note, addressed to him as the Governor of Fort St. George, by the Adjutant General of the Army.

It having come to the knowledge of the President, that the Adjutant General is equally responsible for the circulation of the late offensive order of the Commander in Chief, as the Deputy Adjutant General, and he having avowed that responsibility, the President considers it his indispensible duty to recommend that the suspension of Lieutenant Colonel Capper from the service of the Company may be also ordered to take place.

It is recommended that Major Robert Barclay may be ordered to take temporary charge of the office of Adjutant General.

(Signed) G. H. B.

The Adjutant General has the honour to request the sanction of the honourable the Governor, for the publication of the accompanying order to the Troops in the garrison of Fort St. George.

General Orders.

Head Quarters, Choultry Plain, 28th Jan. 1809.

G. O. By the Commander in Chief.

The immediate departure of Lieutenant General Macdowall from Madras, &c. &c. &c.

(Signed) T. BOLES, D. A. G.

To the Honourable the Court of Directors for the Management of the Affairs of the East India Company.

Honourable Sirs,

YOUR Secretary's letter of the 12th ultimo advised me, that your honourable Court was about to take into consideration the Cases of the officers of the Madras Army now at home under suspension, on the 20th of November instant, in order, as it was added, that they might be prepared for the same. That I might reap the benefit intended by this notification, I addressed a letter to your honourable Court, requesting to be informed of the precise offence imputed to me, and the grounds upon which it was supposed to rest, so that I might be able on the day appointed to combat the charge, and the evidence by which it was supported.

To this application I received a short official answer, stating, that I was already acquainted with the proceedings of the Madras Government in my case.

If the reply just noticed proceeds on an impression entertained by your honourable Court, that I have ever received any official information of the proceedings of the Madras Government in my case, further than is communicated by the order of the 31st January 1809, I must beg leave to undeceive your honourable Court, by asserting,

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asserting, that, beyond what is contained in that Paper, and the Order of Lieutenant General Macdowall to which it refers, I am utterly uninformed of what I am accused, except what I have been enabled to collect from publications accidentally placed in my hands. The notification therefore of your honourable Court, though it appears to have been dictated out of tenderness to me, and to the other officers labouring under suspension, must be wholly defeated in its object, if it be not followed by a communication of the whole matters connected with the cases proposed to be investigated.

My case, which your honourable Court has signified to me is about to be enquired into on the 20th instant, does not stand alone on the letter of the accusation, and the proof by which it is to be sustained, but must be constituted also, it is to be presumed, of what I have to urge in my defence; and this it will be impossible to make with due, or with common effect, unless I am fully imformed of all that is suggested against me. This does not stand on any nice or specious reasoning, but on the plain and simple principle of justice, so that I should be inexcusable in supposing it necessary for me to do more than state the position in perfect confidence, on this my renewed application, that your honourable Court will direct that I may be furnished with copies of all Papers that are supposed to have any bearing on my case, and which are intended to be taken into your consideration in deciding on the same.

I am induced to believe that my case is placed on other grounds than are avowed in the Orders of Government, from an act of your honourable Court, afterwards revised and altered, in removing the suspension of the Government, so far as it affected my general situation in the Army.

This was done at a time when such Orders were in the possession of your honourable Court, which leaves no doubt but the alteration in your opinion, causing the revocation of that act, must have been occasioned by some subsequent extrinsic circumtance, of which, to this moment, I am entirely ignorant, except as conjecture may fortuitously point to it.

My defence against what I know to be imputed to me, is already fully in your hands: of that which is unknown, and of which I am wholly in the dark, I have had, and can have no opportunity to acquit myself, unless I may chance to descry the particulars objected to me in the accidental sources of information to which I have had access. Whether it be a safe course for me to proceed on such conjecture may admit of some doubt; but it is the only one, seemingly, left to me, from the ill success of my application to your honourable Court, and from the short time that now remains for the preparation of my Defence.

Not willing that my cause be prejudiced by any neglect of my own, I shall notice and reply to such circumstances as have been mentioned in certain publications under authority, as communicated to your honourable Court, stated with a view not undisguised, to aggravate my conduct in the particulars in which it is impeached.

Before I shall enter into any close examination of the matters in these publications, I feel it fit that I should entreat your honourable Court, before you proceed to the consideration of the first and latest circumstances communicated to you from abroad, that you will view them as partial statements capable of question, and therefore liable to receive the most complete refutation—that you will not suffer them to receive an authority from the high source whence they flow, so as to drown by their force and influence the voice of an individual, equally entitled to be heard;—that you will not allow any previous opinion you have formed on partial premises to govern your ultimate judgment on further information, and on a more deliberate view of the case.

In deprecating such a decision, I might unfortunately be understood as doubting the integrity or the honour of my judges, if it had not been known to me, that they had already come to a conclusion on a point most materially connected with the merits of my case, so as to render an address of this sort to the feelings and the delicacy of the Court a measure of necessity and prudence. God forbid that at this moment, when the comfort of my future existence must depend on the determination of your honourable Court, I should not entertain the most perfect confidence in its justice. And that I may have it in its purity, I would wish to remove the effect of

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prejudice, to which every human bosom, by the law and imperfection of our nature, is subject.

After this short observation, I shall advert to my case as it stood at first, and as it is aggravated by the accounts lately rendered by the Authorities in India, and to which your honourable Court would seem to have attached a temporary credit.

I was suspended from the office of Deputy Adjutant General of the Army, and from the military service, as my former memorial and letters have explained, on the sole avowed ground of having, in my official capacity, published the Order of Reprimand on the Quarter-master General, dated the 28th January 1809, issued to me for that purpose from his Excellency Lieutenant General Macdowall, then Commander in Chief of His Majesty's and the honourable Company's Forces on the Coaft of Coromandel.

The Government Order of the 31st January, which declared my suspension from office and the Army, sets forth the offence which had provoked the punishment denounced in that order, and described it to consist in the *signature* and *circulation* of the order of the Commander in Chief of the 28th January, containing the reprimand just noticed. It also imputed to me, for otherwise it could not have been chargeable as a crime, "that it muft have been known to him, that in giving "currency to the orders in queftion, he was acting in direct violation of his duty to "Government." Hence it is to be inferred, that there was something so criminal in the order, and so plainly discoverable, that I could not have mistaken or overlooked it; and next, that I had a discretion to publish the order or not, according to my own impression of its import or tendency,

The last inference I shall take the liberty to answer first, as it will clear the way to the preceding one, by ftating what my duty as Deputy Adjutant General was, and how I was required to discharge it on this particular occasion.

It is the duty of the Deputy Adjutant General, who is a mere ministerial officer, to assist, among other things, the Adjutant General of the Army in the publication of the orders of Government and the Commander in Chief. The principal in the office, as far as respects the circulation of orders, is nothing more than a passive medium of communication to the Army, and, ordinarily speaking, is as little responsible for the effect of the orders so conveyed, as the pen or other inftrument with which they are expressed. The deputy, it may be stated, cannot be supposed to be responsible in any greater degree than his principal; but is still further removed from liability, inasmuch as he is a further link from the authority issuing the orders, and cannot act, while his principal is present, but by his immediate command. If an officer so remote be at liberty to exercise his own crude judgment in the course of military communication, and to stay the circulation of the orders of Government, or of the Commander in Chief of the Army so often as he shall think fit to doubt of their propriety, it would go to constitute himself a judge of the conduct of those authorities whom it is his business implicitly to obey, and to retard the progress of the necessary operations of the Government; for it would be impossible to set any bound to the discretion to be exercised, depending, as it must in every case, on individual opinion: besides, it would be impossible to prescribe, in such a presumption, to what number of subordinate officers or channels such discretion should be allowed, or the exact point where military obedience should be imperative or discretionary. So that through the many intermediate channels through which military orders must necessarily flow (too minute almost to be particularized) the same right of discretion must be supposed to exist, even to the non-commissioned officer who should carry the common orderly-book. The consequences which the introduction of such a principle into the Army would necessarily occasion, need only to be thus generally ftated to shew the absurdity of its supposed applicability to military affairs.

That it is not competent to a ministerial officer, in general cases, to disobey the orders of his principal, is a position so well eftablifhed, that it would be inexcusable in me to attempt to support it by any arguments of my own; nor will the principle on which the position is founded bear any relaxation, unless in a case of clear and positive crime, not depending, it is to be presumed, on conftruction or language, on niceties or subtilties, but on the thing ordered to be done. Of the hearing of particular expressions, and of the force of diction, the moft profound underftandings may form different conclusions; but of acts ordered to be performed, when there can be no doubt about the character or quality of them as to their legality or not,

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then common sense will enable man to judge; and there only can any executive officer be supposed to have a discretion as to the obedience to be ſhewn.

But even here the miniſterial officer, whose duty it is to publiſh the orders, and which extends no further, would be less authorized in assuming a discretion than any other, inasmuch as he is leaſt concerned in the execution of the thing ordered, his office ending with the publication of the order.

In as far as respects my act in giving currency to the order of the 28th January, I was particularly exempted from all responsibility, as my immediate principal in office, Lieutenant Colonel Capper, was present; and as I acted, as he declared to the Government, entirely under his commands. So that my act was the authorized act of a Deputy, ſtrictly within the scope of the lawful authority over him; and the inſtance is rare, if it ever has occurred, where an officer so acting has been held responsible for his conduct; for it would seem contrary to all eſtabliſhed notions of perſonal liability, which admit of an excuse in the subordinate officer in the orders of a superior, in every act not directly in defiance of the positive letter of the law.

Now there is nothing in my humble apprehension in the order of the 28th January prescribed to be done, or purported to be done, that is manifeſtly illegal. Thoſe orders convey a reprimand on the Quarter-maſter General; and it will admit of no queſtion, if there were a ground for such reprimand, of which I could not be the judge, nor as a miniſterial officer informed, that the Commander in Chief has full authority to reprimand every officer subject to his command. The exercise of such authority is not unusual in military affairs. I could not therefore have disputed the command of Lieutenant General Macdowall on the ground of illegality in the order itself; neither could I, with the ſtrict notions I entertain of military duty, have considered of the terms in which such censure was conveyed, so as to observe whether they were the fitteſt to be made use of, or whether, by any possibility and by nice conſtruction, they might not indirectly affect any other than the Quarter-maſter General. Every consideration of that sort appertained, and could only appertain to the Commander in Chief, who wrote the order in queſtion, and conveyed it to me, through my immediate principal, for publication. It is he only, or by any poſſible extension my principal in office, that could be deemed liable for an offence that might be supposed to be created by the order. Their commands, it would appear, were a sufficient passport to a deputed power to let the orders pass in the usual course, without any close examinations of their contents.

Now it has been previously ſhewn to your honourable Court how these orders were given to me. That they were in Lieutenant General Macdowall's own writing, and presented to me by the hand of Lieutenant Colonel Capper himself, with positive orders to publiſh them, as was my duty, in a given way, and with the leaſt poſſible delay. They were accordingly publiſhed as required.

I have now explained to your honourable Court my own impreſſions of my duty, and the manner in which it was executed in the present inſtance, which I have presumed to have been authorized. This leads me to the consideration of the other point proposed to be examined; whether there was any thing in this particular order so offensive, that I *must* have known that in giving currency to it, I was acting *in direct violation* of my *duty* to the Government?

The imputation here supposes a discretion in the miniſterial officer, which I have contended is not in him, to deliberate on the purport of the orders received. But I would wave this for a moment for the purpose of considering the letter and spirit of the order of the 28th January 1809.

I have before ſtated, that the declared intent of the order of Lieutenant General Macdowall is to pass a military reprimand, which was competent to him, on his Quarter-maſter General, for specified military offences; and the language of the order, taken in a *general* view, is conformable with the intention. It is confined ſtrictly to the conveyance of a military censure to the avowed object of it, the Quarter-maſter General; and to no one else. But it is supposed, considered with a *particular* aspect, to be capable of a conſtruction offensive to the dignity of the Madras Government, as it refers to an act of that Government, the liberation of the Quarter-maſter General. But the order simply ſtates, that the Quarter-maſter General

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General had made a *direct* appeal to the Government in the course of a military prosecution, and that the President in Council had in consequence issued an order to the Commander in Chief to liberate that officer from arreſt; and makes not one comment, one way or other, on the conduct of Government itself. The order presumes not to queſtion the power of the Government to release the party mentioned, nor the discreet exercise of it in the particular inſtance; while the obedience of the Commander in Chief in the release of the Quarter-maſter General, is a practical gloss on the acknowledged efficiency of the orders of Government to that end. It would seem hence to result, that the Commander in Chief could not mean to *express* any thing like a doubt of the authority of the Government which he had juſt obeyed to its full extent; and that what he has said in the order muſt be taken in ſtrict reference to his Quarter-maſter General, whom he had a right to reprimand if he conceived there was reason for such a censure.

If the Commander in Chief imagined that he had reason to complain of the Government in any thing relative to the exercise of its special authority, it is plain he has forborne to complain in that order, and a respect to the Government, and not an insult, may be inferred from such a deference.

Can it poſſibly be argued that the Quarter-maſter General could not be censurable in the premises, without an indirect censure being ascribable to the Government of Madras?

I have since seen that it has been so argued. But it is to be recollected, that he is not accused by the Commander in Chief of one offence only in the order of the 28th of January, but of three diſtinct offences, and which every military mind can easily recognize; namely, personal disrespect to his Commander in Chief; disobedience of orders; and of making a *direct* appeal to a higher power from the acts of the supreme Military authority. Every one of these, if founded in fact, is a subſtantive military crime; and would, if proved before a Court Martial, have subjected the offender to a much graver punishment than a military reprimand. To the firſt and second imputed offence I cannot be required to offer a single word; they ſtand respectively marked with criminality on the face of them. As to the last suggeſted offence, depending as it does on the usage and cuſtom of the Army, I may be excused in one observation. It is an invariable and admitted rule, which runs through every dependant branch of the Army, that no inferior ſhall urge his complaint *directly* to the supreme authority, without giving the intermediate power complained of an opportunity of redressing the injury. This is so acknowledged a rule, and proceeds on a principle so well underſtood, that it would be useless to offer any remark upon it. A *direct* appeal therefore from the act of Lieutenant General Macdowall to the Government could not be tolerated according to military usage, and would on that account be censurable.

Of the truth or falsehood contained in the order of the Commander in Chief, the ministerial officer could have no means of judging. He was bound to take the facts stated in it as correct. It was not for him to consider, whether the Quarter-master General had sought immediate redress at the hands of the Commander in Chief, and had applied to the Government as the *dernier resort*. The Deputy Adjutant General could only view things as represented, and it was represented that the appeal had been *direct*.

But Government, it might be presumed, would not have received the Quarter-master General's Appeal, if it had not been regularly forwarded, i. e. if he had not stated that Lieutenant General Macdowall had refuſed to transmit it, or redress the grievance himself. Admit that all this was properly stated by the Quarter-master General, it only makes out this position, that the Government was right in what it did. It does not follow but that at the same time the Quarter-master General might have been wrong, for Lieutenant General Macdowall's order negatives the fact of any intermediate application to him for redress, but states that he had applied to the Government *direct*. Whether the truth might chance to lie on the side of the Quarter-master General or his Commander in Chief, was a question not submitted to the Deputy Adjutant General to decide. He was obliged, *as to that order*, to take the statement of the latter for granted; and I hope I have shewn, if it was requiſite for me to ſhew, that by giving credit to the statement of my Commander in Chief, a discredit is not necessarily inferred against Government. The Government

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might have been pure and consistent, though the Quarter Master General had been justly exposed to the censure passed upon them.

But I have trespassed too far, I am afraid, on the patience of your honourable Court, in considering the letter and intent of the order, the publication of which has caused so serious an injury to the party officially promulgating it.

I have endeavoured to prove, that the spirit of the order was not hostile from the manifest extent with which it was published, and that the letter of it does not necessarily imply even a constructive offence to Government. I have before contended, and I trust I have shewn, that being a ministerial officer, I could not in any case, have been responsible for the orders, except they contained on the face of them features not possible to be mistaken of a glaring and positive offence, natural or declared by law, and that I could not be entangled, in the discharge of my duty, by any subtilties of inference or construction, which the dependance of my office would not allow me to discuss or decide upon.

I hope that in remarking on the order of the 28th January, I shall not be understood as undertaking to defend the act of my Commander in Chief; such an office would neither be discreet or becoming in me; more especially since I am acquainted that it has been liable to a different interpretation from that which I at first sight put upon it, by personages better informed and instructed than I can pretend to be, and whose opinions I am bound to respect; all that I have attempted to prove is, that there is nothing illegal on the surface of the order, and that my office did not allow me to delve below it to see if any thing possible lurked beneath. My duty, like the general duties of a soldier, was straight forward and plain; and was, not to swerve from the line marked out, unless it should have been interrupted by any invincible obstacle, not any impediment of my own raising.

I might possibly be allowed to contend, even if the order had been so objectionable as the Government itself states them, that even in that event I should not have been an object of punishment, inasmuch as the act imputed to me was performed under the immediate orders and superintendance of the Adjutant General of the Army, whose Deputy merely I was; when he was by, it might be said my official responsibility was at an end, or there might be a clashing of authority and action between the Principal and Deputy, so as to destroy the unity of operation necessary to the conduct of the office. In Lieutenant Colonel Capper's presence, therefore, my acts being sanctioned by him, became his acts, and my signature had the force of his, involving of course the responsibility of my principal; and this responsibility he never wished to throw off, but avowed to the Government after its displeasure had fallen on his Deputy.

From the foregoing matters and explanations I would conclude, that your honourable Court must be convinced that I stand wholly exonerated from the blame imputed to me by the orders of the 31st January 1809, inflicting the severest punishment on me in the power of the Indian Government to award, without even any previous hearing. It will be seen by your honourable Court, on referring to such orders, that I am not accused of any thing further than of the signature and circulation of the orders after the usual manner.

It has since however been attempted, seeing how general a sentiment of disgust such a severity had excited, to fix a larger responsibility on me, by ascribing aggravating circumstances to imputed offence, arising out of the mode of committing it. Subsequently it has been insinuated, and by the highest authority in India, as I learnt for the first time by a *private* letter, and Report printed by Order of the House of Commons, that I took an unusual course in the circulation of Lieutenant General Macdowall's orders of the 28th January; i. e. in publishing them in manuscript, with a view to evade, as it is also insinuated, the possible observation of Government; implying that I had exhibited an unwarrantable activity in the publication of the orders, not consonant with the bare discharge of my official duty.

In answer to this alledged accumulative circumstance of my offence, privately and secretly urged, I might have contented myself with a single observation, "that "I had been commanded to circulate the orders in manuscript," if I had not seen that such insinuations and others like it, had had a considerable operation with your honourable Court; I shall therefore be excused if I am more particular in my answer.

I have

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I have deeply to lament, that the ultimate consideration of my conduct has been poſtponed to ſo late a day, since that circumſtance has exposed me to prejudices arising out of subsequent transactions, to which my actions have no reference; and has created embarrassments not naturally attached to the offence imputed to me. If my case had been judged by itself, and had not been mixed with matters not belonging to it, I ſhould not now have to deplore the activity of the higheſt personages in India, to look for subsequent circumſtances to juſtify the preceding acts and severity of Government; and that such personages, rare as is the occurrence, have taken the trouble to communicate the circumſtance (when supposed to be discovered) by *private* and uncommon means. That cause surely cannot be eſteemed a common one, and not foreign to the intereſts of the Government itself, when such unheard-of measures are used to affect and influence its decision. When I observe this to your honourable Court, I mean not to throw any unnecessary reflection on a power set over me, and which I am bound to revere. But it is not to be forgotten under what circumſtances I am speaking. I am now some thousand miles remote from India, whither I have been sent to answer accuſations preferred thence againſt me; when I find at the moment I am making my Defence, that I have also to answer new charges raked up behind my back, founded in no probable fact, and whispered in such a way, that I might not have known their exiſtence until I had experienced their effect. If under these rare circumſtances I may discover any momentary heat, it will, I truſt, be excused by the novelty of the case under which I have addressed you. If his Lordſhip has forgotten his high public ſtation to pursue an humble individual several months subsequent to his alleged offence and departure from the country, by the unheard-of course explained, it will create no wonder ſhould ſuch individual for a moment *involuntarily* lose sight of that respect due to the office which he fills.

It has been explained to your honourable Court in a former Memorial, and already noticed in this, that the orders of Lieutenant General Macdowall of the 28th January were publiſhed, for the sake of dispatch, in manuscript. On this circumſtance Lord Minto has remarked in a private letter to your late Chairman, under date the 21ſt of October 1809, "that it is entirely contrary to usage to circulate "General Orders in manuscript."

This is a broad unqualified ſtatement, made, as it ſhould seem, without seeking information from persons who would be as willing as they might have been capable to inſtruct him correctly on this or any other military subject; or without any consideration or reflection in his own mind, that the invariable rule of circulating orders only in print, which his Lordſhip ſtates to obtain always at Madras, muſt be totally incompetent to the conduct and exigency of military affairs in any and in every part of the world.

To this I have nothing to oppose but an uncourteous counter assertion, supported by a certificate of a late Deputy Adjutant General of the Coaſt Army, and an affidavit sworn to before a competent authority, and to which I humbly solicit the particular attention of your honourable Court, as relating to this and some other points that may be considered of material consequence, from the manner in which they have already been brought to your notice.

If any other evidence ſhould be wanted, it may be afforded to your honourable Court by the examination of any or every officer who has ever commanded a corps or ſtation in your Army on the Madras eſtabliſhment (many of whom are now in London) if your honourable Court ſhall think it expedient to enquire further into that particular.

To this nothing can be objected but the Report of a Clerk in office, written under the immediate inspection and orders of a party who is intereſted in my suspension.

This Report too, in the very firſt paragraph, ſtates a fact that muſt convince your honourable Court, and every one open to conviction, that there was not any thing extraordinary in the publication of the order in manuscript; for the reporter unequivocally says, that in respect to the orders so communicated, "that he made no "memoranda at the time of any circumſtance that might guide him, as he had not "*then* the smalleſt idea that he ſhould at any future period be called upon to make "that declaration" (respecting them) so that the manner of the publication was not at the time ſtriking or noticeable by him, nor has at any time been further noticed

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than by placing the usual single letter M. (i. e. manuscript) before the letters G. O. in the office poſt-book.

Can any ſtronger circumſtance be introduced to prove that the reporter did not think the manuscript publication a very uncommon course. But it is no matter what a person of this description might think or might report, since the frequency of publication after this manner is known throughout the Army, and can be evidenced by every officer of rank and responsibility in the service. Yet has his Lordſhip, relying upon his own interpretation of this Report, or adopting the conclusions of intereſted persons, proceeded to ſtate in aggravation of my alledged crime, "that it is "entirely contrary to usage to circulate General Orders in manuscript."

But his Lordſhip not only describes what he ſtates to be an incontrovertible fact; but in order to attach a greater importance to it, in the consideration of my case, he goes on to add, "that they (meaning the orders) are *always* printed." And why? because a sort of policy is promoted by it, "which occasions some *delay*, and sub-"jects them to the possible observation of Government, through the Government "printer;" so that it is implied, that I not only broke through an eſtabliſhed invariable usage, but that such usage was founded on a particular and acknowledged policy. As if it could have entered into the mind of any man, but one determined to make out, at all events, the conclusion on which his heart was fixed, that any legitimate Government could have ever designed that the orders of the second officer in the State ſhould be submitted to the approbation, discretion, and imprimatur of a Government printer! yet the Governor General of India has avowed the exiſtence of this maſter-piece of Asiatic polity.

From assumed facts, and reasoning like this, his Lordship has next recourse to hints, coupled with circumstances disconnected, but capable of a prejudicial inference, without any specific application by him, on my case.

It is insinuated in the *private* letter of his Lordship, that an unreasonable delay had occurred between the circulation of the orders to the Military Stations, and the transmissal of it to the Governor. But this is a mere after thought in as far as it regards my punishment, or my offence. This delay, if criminal, and had it been so ſelt to be by the Government at the time would have been charged against me in the Government Order wherein my offence is declared to the Army, and not reserved for an after occasion. This insinuation is thrown out with a view to impress those who are not conversant with military matters, that it was the usage and practice (which is not the fact) to submit the orders of the Commander in Chief for the Governor's approbation, previous to publication to the Army. But the usage and practice of the service at Madras does not warrant any such conclusions, and the youngest officer in that Army could have informed his Lordship, that they never are submitted for that purpose. The reason that a copy of General Orders are sent to the Governor is obvious and known, for the purpose of his publishing them (if he thinks proper) to the garrison of Fort St. George, which fortress alone is especially under his command, by commission to that effect.

It does not I am aware follow, but that any tardy transmissal of an order might be liable to be considered as disrespectful to the Governor, and possibly in this instance, have afforded a supposed ground of complaint; I shall only say, that it was never suggested till many months afterwards as a subject of complaint against me, and even then in the suspicious form of a whisper in my absence.

In truth, let the thing be censurable or not, it had no sort of reference to me. It was not my duty but my principal's, when he was present, and out of respect to the Governor, to transmit such orders. And Green, in his memorable Report has said so in as many words: "Lieutenant Colonel Capper, when at Madras, made it a "point *at all times* of sending the orders to the Governor *himself*:" any neglect of his, if it were neglect, could not therefore be imputable to me. But in point of fact, there would not seem to have been any negligence in the transmissal of the orders; they were not received in their printed form from the press until the afternoon of Sunday, at a moment when Lieutenant Colonel Capper was not in the office, but the copy was sent to the Governor, with the usual letter, on the next morning, the first moment that the Adjutant General could officially perform that duty.

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It has been shewn by Green, how my name became accidentally subscribed to the copy of the orders sent to the Governor. But if it had been wholly unexplained, the circumstance itself would have afforded an argument to prove, that I could not see any thing very criminal in the order, or I should not have gone out of the usual course to subscribe it; and thus, by the singularity of the thing, court the notice and punishment of Government.

It is observable, that I am not drawing any far-fetched or nice conclusions, since the accidental signature of my name to that very copy of the order, and in the way that Green has explained, was the cause, the only cause, of my suspension.

I have now noticed every intrinsic, and every external circumstance connected with the order of the 28th January, which can in any way be considered as bearing on my alledged crime; and I think I have proved that neither the act itself, nor any of the matters connected with it, constituted the offence imputed to me, and authorized the punishment to which I have been summarily subjected.

In most cases it is sufficient that a party accused liberates himself from the matters alledged against him, as designating his crime, and he is not required to trouble himself with rendering an account of his conduct, either under or subsequent to his condemnation. These things are foreign to the consideration of his original condition, whether guilty or not. But the hand of power has not let me rest one moment since my punishment had been decreed, and actually carried into execution. It has not let me enjoy the repose of my family, and the quiet of retirement. Nay, a new crime has been tortured out of the very execution of the sentence, "vengeance has been made of my calamity." I have been put to question, and it has been endeavoured to draw from me on the rack, the justification of the sentence under which I was writhing; aye, and because I have not answered as it was wished, I have been blazoned to the whole Army as an obdurate hardened offender. Some one, perhaps, may have seen in my constancy and endurance, that I was sustained by another, and a far different spirit, the consciousness of innocence.

Your honourable Court will have felt that I have been alluding to the act of General Gowdie, in his friendly and confidential communication to me, wherein he has reported he made me the generous offer of his important services with the Government for effecting my restoration, if I would but fall down and humbly confess my crime; if I would express any adequate degree of regret, and say that I was sorry for what I had done.

By this easy quieting apology, which the Major General conceived any man of principle *might* make without the compromise of his honour, he imagined he would be able to effect my pardon, without reflecting, good man, that if so flimsy an explanation would have satisfied the Government, that it would undoubtedly have called for such explanation before it had pronounced sentence upon me, without reflecting that it is before, and not after punishment, that explanations are required; nor did the worthy General perceive that the tender of his services (being voluntary and unauthorized) even if they had been accepted, might have failed in their proposed effect, and would have left me in the forlorn and unpitiable situation of a condemned criminal, making confessions of his crime, and crying to the winds for mercy.

He did not also imagine at the time when he was performing the friendly, the confidential office of stepping between me and the anger of the Government, that he might be called upon to violate the confidence of such a situation, to betray my confessions to the Army, and to proclaim my acknowledged guilt, as he has done my refusal to admit it, in compliance with the desire of the Government, or in conformity with his own impressions of his duty. He did not know that he would subsequently be required to forsake me, whom he was thus willing to befriend, and whom of his own mere motion he sought so anxiously to assist, and that it would be his ungrateful office to denounce me, over whom he had then no legal authority, to the whole Army, in a long laboured letter, as glorying in a well-earned punishment, and as undeserving the unasked respect and protection of my brethren of the Army.

How I must have felt this attempt to deprive me of the good opinion and assistance of my brother officers, then my only stay and support, is not worthy a transient thought, when it is considered what the venerable and worthy General must have suffered, in being obliged to break the sanctuary of a private confidence, which was

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self solicited, and to sacrifice his private friendship at the dictate of public convenience.

It will be expected that I say but little more in respect to my declining to avail myself of General Gowdie's kind, but unaccredited, proposition above-mentioned. I have stated that it was made some time after punishment had been inflicted on me; that in accepting it, I should have acknowledged guilt, which I have always denied, and that if I had afforded such a justification to the act of the Government, I was by no means assured of its clemency; so that I might have afterwards missed the reward of self debasement, and the worst of treachery, in betraying conscience and truth, for the sake of personal advantage, to secure the means of life by the destruction of every principle that makes life covetable.

If I could have concurred in such a proposition, offered me at such a price, though it had purchased for me all the honours with which the General was covered, I trust that the feelings of a soldier, and the sentiments of an honest man, which have never forsaken me, would have saved me from such a degradation, from the compromise of my honour, for any advantage that the world can yield.

My notions may be false, may be unserviceable to the possessor, for they have been learned in a school where sentiment rather than reasoning fixes the habit and the character, and where sentiment is every thing. But so long as I own these notions, it would be treason to belie them. They are the distinguishing mark of the profession to which I have the honour to belong, and I have been always taught to believe, and hope I ever shall believe, that they are the distinction of the profession at large.

I am not vaunting forth any personal pretensions to more nicety and chasteness than is felt by every respectable member of the community to which I belong; and I have testimony in a Paper which I have taken the liberty to add to my Memorial, that in thus treating Major General Gowdie's proposal, and in speaking of my own feelings, that I am not singular in my opinions. This Paper contains extracts, so far as they relate to my unprecedented case, from a letter from his Excellency Lieutenant General the Honourable Thomas Maitland, Governor and Commander in Chief of the Island of Ceylon, addressed, as I have understood, to his Excellency Lieutenant General Hewitt, Commander in Chief in India. If I had thought or acted otherwise than I did regarding General Gowdie's proposition, General Maitland will tell you, that there would not have been an occasion for the suspension of the Government, to have deservedly scouted me from all military society in the world.

It will not be thought by your honourable Court, that I have rested on these particulars too long, since they have been construed into an accusation, of which it is proper to rid myself; that I had made myself as it were, a rallying point to the disaffected. My situation, alas! from the first to the last, was an involuntary one.

I was suspended without having been heard in defence or explanation. When another had avowed the only possible offence of which I could be considered guilty, it altered not my condition, the suspension was still continued.

Next, when I humbly solicited for permission, shortly after I had been removed from my office, to proceed to Europe, to lay my case before your honourable Court, my suit was refused, though thrice preferred, and I was detained in India against my will.

No explanation has ever yet been afforded, that I am aware of, for such refusal on the part of that Government, except what is attempted to be offered in the 16th paragraph of their General Letter of the 28th of February 1809, and which it cannot be supposed that your honourable Court will admit as a reason for detaining a suspended servant in India.

When I sold my effects to enable me to live, and submitted to await in quiet and retirement in India, the decision of your honourable Court, I was then, without any assigned cause or conscious offence, banished from Madras to Bengal against my will, and from thence finally ordered to England.

If these things had given me any interest with the Army at large, it was not I, but the Government that made me that interesting object. It was by their persecution, and not my fault, that I became, as it is said, a rallying point to the Army, which they

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they might have prevented when they had chosen, by simply retracing their own ſteps.

But inſtead of this, they thought fit to follow me with freſh and unceasing severity. They have themselves to thank for the effects which ensued; at any rate they can have no right to lay at my door the sin of their own impolicy.

I have ſhewn your honourable Court that I was desirous of quitting India by the first opportunity that offered after my suspension, the ſhip Sir Stephen Luſhington; that I was moſt reluctantly obliged to relinquiſh my passage, and was detained in India; that I lived in the moſt quiet, inoffensive manner; that I gave up the little eſtablishment I had once maintained at Madras; that I sought retirement; that when I was aware of my dining at public messes at Madras being a point that incurred the displeasure of the Governor, Sir George Barlow, I ceased to do so; and that when I was transported to Bengal, I speedily removed from Calcutta to the foreign settlement of Serampore, wiſhing to avoid as much as possible the contact of my brother officers on that eſtabliſhment: so that, as far as in me lay, I did not place myself in a conspicuous light, and did not seek to render myself, as is indirectly charged, a rallying point to disaffection.

I do not deny, that in consideration of my sufferings, which were thought to be unmerited and unparalleled, I experienced the commiseration of His Majeſty's and the Company's officers; and that public letters reached me, expressive of the opinion entertained by the Army on my case, and assurances of pecuniary support during the continuance of my suspension. But I pledge my word of honour to your honourable Court, that I never made my injuries a subject of reference to the Army, or to any part of it; that I never provoked the addresses, nor the relief they offered: nay, what is more, I never acknowledged the receipt of them, or returned my thanks for the voluntary assistance of the Army.

I defy the malice of my enemies to gainsay any part of this assertion. It is left to your honourable Court to say, after this ſtatement, whether it was my own act, or the improvidence of the Government, that rendered me an object of concern to the body of the Army.

It may be observed to your honourable Court, that when men commit offences, it is natural to look out for some inducement and motive that may account for the commission of them. Now, in the extraordinary offence imputed to me, it is impossible for ingenuity to discover an adequate moving cause. I certainly could not expect any advantage from the Government in giving circulation to the order, if I had supposed it to have contained any thing offensive towards it. It was impossible, for circumſtances, that I could derive any benefit from General Macdowall, then embarking on board the ſhip in which he had taken his passage for Europe. It could not have arisen out of the consideration of paſt benefits, for I had received none at the General's hands; but on the contrary, I was by him thrown out of the succession to the situation of Adjutant General of the Army, inasmuch as he appointed Lieutenant Colonel Capper to it, over my head, though I was then a Field Officer; a supercession not very gratifying to my feelings, or favourable to my views in the service. orig.

As no reason of visible intereſt could be imagined to influence my conduct in the circulation of the orders in queſtion, it might fairly be concluded, that I was induced to sign and circulate them merely under the impression of its being my duty so to do.

Such is the natural inference; and if another has been drawn, it muſt be accounted for by those who have adduced it.

It would seem, therefore, that I have been singled out for puniſhment, more from personal, than public motives; and this conclusion I might more especially be indulged in forming, from a circumſtance very well underſtood in India.

The Assistant Adjutant General of the Army, though publicly known to have been at leaſt equally with me inſtrumental in signing and circulating the orders of the 28th January, and moſt honourably avowing to Major General Gowdie the ſhare he had in that obnoxious act of public duty, has not been visited by the displeasure of Government, on account of its performance; on the contrary, so far from his being held up to the Army as a criminal, he has had the better fortune to be promoted by

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that very Government, first to the appointment of Deputy Adjutant General of the Army, vacated by my suspension, and subsequently to a ſtill more lucrative ſituation.

Why this diſtinction was made I have no means of conjecturing, unleſs I am allowed to conclude it to arise out of the unfavourable diſpoſition (from various causes) of the ſuppoſed adviſers of the Government towards me, as well as a hope that the preſſure of family conſiderations would ſecure a forced ſubmiſſion from me, and a conſequent acknowledgment of the juſtice of the puniſhment.

I repine not at the better fortune of my colleague in office; for I verily believe him to be highly deſerving of every thing that your ſervice affords a proſpect of to a military man: and was I not perfectly aware that the mere performance of an act of imperious duty would never be ſuffered by your honourable Court to operate to the prejudice of that individual, either at home or abroad, the ſhare my colleague had in my imputed crime I ſhould never have ſuffered to escape my lips, but in ſilence have lamented, that a different conſtruction ſhould have been put upon the ſame act, from the quality of the actor in it.

If I have hitherto been able to bear myſelf up under the preſſure of ſo extraordinary a ſituation; if I have ſuffered temporary reproach, and deſpiſed injurious inſinuations, I have been ſuſtained by the conviction, that the deluſion would be evaneſcent, and that it would fade before the voice of truth. I have now had an opportunity, for which I am moſt thankful, of being heard by the only Judges who can at this period lawfully pronounce upon my conduct, and decide whether it has been correct or not; whether it has been marked, intentionally or otherwiſe, by offence.

I hope I have not treſpaſſed on the indulgence of your honourable Court, by preſſing any irrelevant matter on your conſideration; but that I have confined myſelf, as far as I know it, to the exact offence imputed to me, and to the particulars ſuppoſed or inſinuated to be connected with it. I truſt I have proved that there was nothing contained in the orders of the 28th of January, to have rendered it criminal in me, as a miniſterial officer, to publiſh them, under the immediate orders of my Commander in Chief, diſobedience involving the probable riſk of a military commiſſion, as well as the poſſible riſk of life itſelf: that I was induced by no other than the imperious conſiderations of my duty, in giving circulation to them; that I followed no new courſe, nor exceeded the bounds of the particular orders given to me on the occaſion; that ſo far from ſeeking to create an intereſt in the Army, as is ſubſequently imputed to me, that I was an unwilling ſojourner in India, and a paſſive object of commiſeration: that neither in my ſuppoſed original tranſgreſſion, in the puniſhment attendant on it, nor in my ſubſequent demeanour, can any criminal act be laid, or criminal intention inferred. If, under theſe circumſtances, I confidently expect at the hands of your honourable Court, not only the reſtoration to my rank in the ſervice, but alſo of my office, I expect not, nor ſolicit any thing more than the application of the common principles of juſtice to a caſe of unexampled hardſhip.

To your honourable Court belongs the enviable office of adminiſtering right to an oppreſſed individual—of reſcuing your ſervice from inſecurity, and of confirming, by your preſent deciſion, thoſe wholeſome rules which your wiſdom had previouſly eſtabliſhed.

In perfect reliance on your juſtice and integrity, I have the honour to remain,

Honourable Sirs,

Your moſt obedient, very humble Servant,

(Signed) T. BOLES,

Lieut[t] Col[l] and Dep[y] Adjut[t] General of the Army on the Madras Eſtabliſhment.

London, 19th Nov[r] 1810.

London, to wit. } THOMAS BOLES, Eſq. a Lieutenant Colonel, now under ſuſpenſion in the military ſervice of the Honourable the Eaſt India Company, on the Madras Eſtabliſhment, maketh oath and ſaith, that the above-mentioned Thomas Boles maketh oath and ſaith, that on the 28th day of January 1809, he was Deputy Adjutant General of the Army ſerving on the Fort St. George Eſtabliſhment; and that in ſuch capacity he was required, or ordered by his principal Lieutenant Colonel Francis Capper, the Adjutant General of the ſaid Army, to ſign and circulate in manuſcript an Order of Lieutenant General Macdowall, then Commander in Chief of

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of His Majeſty's and the Honourable Company's Forces serving on that Eſtabliſhment, bearing date the said 28th day of January, and passing a military cenſure on the Quarter-maſter General of the Army serving as aforesaid, which said order is particularly referred to in the preceding Memorial; and the Deponent saith, that the said order, which he was so commanded to circulate in manuscript, was written in the hand-writing of the said Lieutenant General Macdowall, and was required to be so publiſhed for the purpose of greater dispatch; and the Deponent further saith, that the said order was delivered to him in the ordinary way, by the said Lieutenant Colonel F. Capper, the then Adjutant General of the said Army, and was not accompanied with any particular remark, further than the said Commander in Chief's desire that dispatch ſhould be used in the publication of it, in consequence of the expected early departure of the said Commander in Chief from Madras; and the Deponent saith, that he had not any knowledge that the order of the 28th of January 1809, or any order to that or a similar effect, was about to be publiſhed, until the said order was delivered to him by the said Lieutenant Colonel Francis Capper as aforesaid, with orders to the Deponent to circulate the same: and the Deponent further saith, that he was not induced by any private persuasion of the said Commander in Chief, or of the said Adjutant General as aforesaid, or by any other person or persons whatsoever, to give circulation to the said order; and that he was only moved thereto by considerations of public duty, and in obedience to the commands (the juſt commands, as the Deponent supposed) of his lawful Commander in Chief and his said Principal in office, in the manner hereinabove deposed to; and that in signing, and afterwards circulating the same, according to the commands received by the Deponent, and in the manner described, the said Deponent acted according to his beſt judgment, and on the honeſt and *bonâ fide* impression of his public duty, and under no inducement or motive whatsoever derogatory to the respect due to the Government of Fort St. George: and the Deponent further saith, that he had been employed in the Adjutant General's Office for six years, and from his knowledge of the practice and usage obtaining in it for the circulation of orders, it is not cuſtomary in that Office to submit the orders of the Commander in Chief to the Governor of Fort St. George, previous to the publication thereof: and the Deponent further saith, that it is *not contrary to the usage* of the said Adjutant General's Office, to circulate orders to the Army *in manuscript*, but on the contrary, orders *in manuscript* have been from time to time conveyed, so often as the Commander in Chief has thought fit, to the different Stations of the said Army, as the exigency of the occasion or the will of the Commander in Chief or the Adjutant General required; and the Deponent saith, that the circulation of orders in a printed form, is for the convenience of the Office of the Adjutant General, and of the Army, as the Deponent verily believes, and not for any other reason discoverable to the Deponent: and the Deponent saith, that it is cuſtomary in the Office of the Adjutant General as aforesaid, to keep an Office Poſt Book, wherein is inserted the manner in which orders have been circulated, whether in manuscript or in print, the letters M. G. O. in the former case, and G. O. in the latter, being inserted therein, and this has been the practice observed in the Office of the Adjutant General of the Army, on the Fort St. George Eſtabliſhment, during the six years the Deponent acted in that office as Aſſiſtant Adjutant General, and as Deputy Adjutant General; that is, from the month of January 1803, to January 1809: and the Deponent saith, that he was at all times ready to have rendered the foregoing explanation of the motives of the Deponent, and of the practice of the said Office, to the Government of Fort St. George, if he had been thereunto required; but that he was never interrogated in the premises, and was suspended from his office of Deputy Adjutant General of the Army as aforesaid, and from his place in the service, without any explanation required of him, and without any hearing or enquiry whatsoever: and the Deponent further saith, that since his said suspension, he has conducted himself respectfully to the said Government, and has ſtudiously endeavoured to avoid every circumſtance of possible offence, and with that view, he ceased to dine at the messes of his brother officers, when he underſtood that his going to them was displeasing to the Governor, Sir George Barlow, (though of this he was only aware from the circumſtances of the 2d Battalion of the 11th Regiment being sent away from Madras, which report ſtated to have been on account of the Deponent having dined at the regimental mess of that corps) and the Deponent lived in the moſt quiet retired way he possibly could at Madras, and at Bengal he resided wholly (with exception of a few days at Calcutta) at the foreign Settlement of Serampore, in the moſt inoffensive manner. And the Deponent further saith, that

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Major General Gowdie, the officer late commanding the Army in Chief, on the said Eſtabliſhment of Fort St. George, made a voluntary tender of his ſervices to the Deponent, to obtain his reſtoration to the ſaid office, from which he had then been upwards of a fortnight ſuſpended; but he informed the ſaid Deponent, at the moment of making the ſaid tender, that he was wholly unauthorized by the Government, but that he would uſe his perſonal influence, if the Deponent would make an apology, by expreſſing any adequate degree of regret, and ſaying he was ſorry for what he had done, to procure the Deponent's reſtoration as aforeſaid. And the Deponent ſaith, that as he had been ſuſpended for a ſuppoſed offence of which he was yet unconſcious, he could not make an apology, without an admiſſion of guilt; that General Gowdie's propoſition aſked ſuch an admiſſion, without being able to enſure the reſtoration of the Deponent's rank and office: that as the Deponent felt himſelf obliged to decline the General's propoſition, he conceived he did ſo in as civil terms and tone as the Deponent could expreſs himſelf, being ſcrupulouſly deſirous, in declining the ſaid offer, of poſſeſſing the General with the impreſſion, that he the Deponent was thankful for his then apparent friendly intentions towards him. And the Deponent further ſaith, that he has ſeen a copy of a Circular Letter from the ſaid Major General Gowdie, to the Officers commanding Diviſions of the Army, in which he ſtates a contrary impreſſion made on him than is conſiſtent with the Deponent's immediate declaration on oath: and this Deponent further ſaith, whatever might be Major General Gowdie's impreſſion of his demeanour, or his ſpeech, that he never intended to manifeſt to him that he diſdained his offer, or that he gloried in the unfortunate ſituation to which he had been reduced by the act of ſuſpenſion, a different conduct being at that moment due to the rank, the years, and the kindly offer of the General. And the Deponent laſtly ſaith, that ſince his ſuſpenſion from office, ſeveral addreſſes from the officers of the Army, ſerving on the Fort St. George Eſtabliſhment, have reached him, expreſſive of their commiſſeration for the Deponent's ſuppoſed unmerited ſufferings, and communicative of the intention of the ſubſcribers to the addreſſes, to relieve the Deponent's pecuniary wants, by a voluntary contribution, equal to the allowances the Deponent enjoyed while in office. But the Deponent on his oath moſt ſolemnly avers, that he neither ſought for, expected, or even acknowledged the receipt of ſuch addreſſes, nor of pecuniary aſſiſtance; nor did he addreſs himſelf to the feelings of his brother officers, by any ſtatement of his ſuppoſed grievances, nor depart from his paſſive line of conduct, even to thank his brother officers for the unſolicited and unexpected diſplay of their bounty and good will towards him.

(Signed) T. BOLES.

Sworn by the ſaid Thomas Boles, at the Manſion-Houſe, London, this 17th day of November 1810, before me,

(Signed) *J. J. Smith*, Mayor.

Extracts of a Letter from Lieutenant General the Honourable T. Maitland, Governor of Ceylon.

Dated Mount Lavinia, 3d of Auguſt 1809.

I HAVE read over with much attention the whole of the Papers, from beginning to end.

*The Judge Advocate General's in Vindication of the Madras Government.

I can allow for the ingenuity of that Statement*, but I cannot admit of its correctneſs, that the Adjutant General is the immediate adviſer of the Commander in Chief; nor am I really aware that the good order and diſcipline of the Army in India has reſted on the great local knowledge and prudence of their adviſers, and not on the good ſenſe and capacity of the high perſons appointed by His Majeſty, and the Honourable the Eaſt India Company, to fill the ſituation of Commander in Chief. That the ſituation of Adjutant General in any Army, is a moſt important one, and that generally perſons of merit and character are ſelected to it, no one will deny; but the importance of the office, or the ability of the individual, cannot alter the nature or the character of the military obedience due to his ſuperiors, and he is, it muſt be acknowledged, as much bound to obey the orders of the Commander in Chief, as a Brigade Major the orders of a Brigadier, an Adjutant the orders of his Commanding Officer, or a ſoldier the orders of his Captain. I can then draw no line between him and the loweſt ſoldier; the ſame law applies to all, and when we come to conſtrue that

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that law, the same latitude muſt extend to all. The necessity of entering into this conſtruction, has arisen out of the suspension of Major Boles, and it is this necessity I deprecate. Now in my view of the subject I will allow every degree of criminality to attach to that order* that may be ſtated, and it ſtill appears to me the suspension of Boles was unwise.

The Government had its option of considering his conduct in two points of view; they might either consider him as a mere miniſterial officer, or a principal on the occasion. Had Major Boles committed any acts doing away this option, the case would undoubtedly have been different; had he endeavoured surreptitiously to give currency to the offensive order, in any new and unusual manner; had he endeavoured to withhold it from Government; had he publiſhed it contrary to the orders of Government; in any of these inſtances all option would have been at an end. By his own act and deed he made himself a principal, and as a principal he ought to have suffered. But I have never heard any of these things alleged againſt him; the option on the part of Government was complete, and what I contend is, that it would have been more prudent to consider him as a mere miniſterial agent of a superior, than to make him a principal; by doing which you have laid down to an Army notoriously already inclined enough to act as a deliberative body, a precise and extended conſtruction of a clause in the Mutiny Bill, the very promulgation of which in the Army, as it then ſtood, might have a material effect in loosening its discipline, but which could have none in re-eſtabliſhing due subordination and good order; but the particular circumſtances of the case appear to confirm the opinion I hold.

* *Lieut. Gen. Macdowall's order of censure on the conduct of his Quarter-master General, Captain J. Munro.*

Had the Commander in Chief been issuing orders at a diſtance from the seat of government, subversive of its authority, which from its diſtance Government could not correct, and had this miniſterial officer had a ſtrong feeling (which I can see no where ſtated) that in truth his conduct had this tendency, I can then see the wisdom of their ſtepping out of what I conceive the common routine of their duty, to ſtate their sentiments on the occasion. But in the inſtance alluded to no such plea can be urged; the Government was on the spot to protect its own rights; and the only queſtion that could occur (for I cannot enter into the Judge Advocate's view of demurring, but make use of common military terms) was whether the evil that would accrue to the service at large, was not greater in their disobeying the order, and assuming to themselves to decide on the legality of the acts of the Commander in Chief, than in acting merely miniſterially, and leaving to Government on the spot the immediate correction of any evil attending on the order. But further, did the disobedience of Boles, to the order of the Commander in Chief in itself, remedy the evil? Would it have hindered the circulation of the offensive order? I contend not. That the Commander in Chief might have issued it through a gradation of channels to any extent, and that the only good that could have accrued from adopting the measure of disobedience, would have been the raising by an individual the unfortunate queſtion which has since been raised by the Government itself. But I own I do not hold this measure to be more unwise in itself than I hold some of the doctrines advanced in support of it. The clause alluded to is, that you are to obey all lawful commands; and I muſt maintain that the true interpretation of this clause is, that disobedience of military order is only warrantable, where the illegality attached to its obedience is so clear, obvious, and decided in itself, that it muſt appear nobody could comply with it without being fully aware of its complete and positive illegality. I ſhould be inclined myself to draw a very great diſtinction between the miniſterial officer simply promulgating an order that in its promulgation was not illegal, but that in its result might in its conſtruction lead to illegal consequences, and an order to an individual who, acting upon it, muſt know and feel that his so acting would be attended with immediate and positive illegal effects so detrimental to the public weal, that no man could plead ignorance on the occasion without acknowledging a total want of capacity and common underſtanding.

The diſtinction I draw on the subject, if we are to come at all to argue on the latitude of officers deciding on the legality of orders, is, that we muſt look deeply into the situation in which they ſtand. On the one hand, we find them amenable to the puniſhment of *death*, if they do not obey lawful orders; on the other, we find the puniſhment indefinite. What I contend is, that the natural bias on every man's mind muſt be, to avoid the heavier penalty; and that if he is to deliberate, he would make the option of erring where the minor penalty attaches; and therefore, in all the in-

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ſtances where the case is in the smallest degree doubtful, and where the officers have the plea of acting under orders, that it has always been held the wisest and moſt politic mode of viewing the subject, for Government to maintain that the severity of the military law is such, that though in extreme cases some option may be granted, that yet in *all cases not extreme*, officers are to be *held free in complying with the order of their superiors*; and I apprehend any number of cases may be adduced in favour of this view of the subject; I am not aware of any that can be ſtated on the other.

But the firſt principle of the Law that I know is, that every one is considered innocent in the eye of the Law, until he is found guilty; and I cannot suppose any man to be guilty of an illegal act, until either such illegality be proved, or there is at leaſt a rational conviction in my mind, the party concerned was aware of the actual illegality. The doctrines, however, laid down, appear to me to be directly in contradiction to the general principles of the law I have ſtated. We are told Major Boles muſt have known so and so. Now I can see nothing to induce me to believe this to be the case; I can see nothing to induce me to credit that the "*quo animo*" on which he acted, was an intention on his part to aid any man, or set of men, to subvert the Government of the country, or annihilate its authority. He seems to me at leaſt to have ſtood in this predicament, that he had a double choice to make, and though in the opinion of some he may have erred in that he made, ſtill I contend that no man can argue that the line for him to pursue was so clear and decided, that the exercise of his own judgment implied any diſtinct criminality of any kind. And I contend further, that if he did err, he erred *on the right side* of the queſtion; that the military law was completely positive on one side, and perfectly indefinite on the other; that he followed that for which many precedents may be adduced; and that if he did err, he erred from not following a proceeding of which there was no precedent.

I would wish to ask, if we are to enter into the doctrine of disobedience of orders, according to the opinion any individual may entertain of the legality of such order, where this is to end. Military obedience becomes at once mere matter of opinion; and being matter of opinion, I contend it is neither subject to the operation of military or civil law. I contend, that this *doctrine substantially annihilates military* authority, without adding to the energies of the civil power. The laws of our country are in themselves, thank God, ſtrong enough to protect this laſt in full force, and the general mode of their adminiſtration has added to the wholesome effects provided by the laws themselves.

But if we go to *this matter* of *opinion*, there is a *virtual end* of *the whole Articles of War*, and *in the very worst way*, for we not only get rid of the martial law, but we violate every principle of civil law, which in *all inſtances* requires that an *intent ſhould be proved*, independent of any opinion that may be given. In the military annals of the Britiſh nation, I will venture to say, not a single instance *up to the present hour* can be adduced, where a miniſterial officer was dismissed from his situation simply for obeying an order of his superior, not positively illegal, and contrary to the fixed and known laws of the land, but which, in the *conſtruction* that might be put upon it, might ultimately tend to some illegal act.

Inſtances indeed may be adduced where miniſterial officers are prosecuted before Courts of Law, for having acted under the orders of their superiors; but then the redress has been to the Courts of Law: till the present case, I own I have never *heard of a Government declaring to its Army*, that *its officers were not to obey orders* they *conceived illegal*, and visiting the full extent of puniſhment in their power on the head of an individual, for *no other crime*, than that they have on a moſt doubtful point entertained an opinion different from such individual.

I can appreciate the extraordinary attempt that seems to be made by the Judge Advocate General, in the defence of the Madras Government, on this occasion; but it is really of a nature to which I cannot condescend to give an answer. Am I to be told by a grave and apparently a legal adviser of Government, that it is to be tolerated a moment, that after having applied on the head of any individual the utmost extent of legitimate and executive Governments, he is to be held criminal, because, smarting under the laſh of the harſhness of the measures that have been adopted towards him, he does not bow to the authority that had already done its worſt, and lick the rod which had already scourged him. *Such principles*, and *such doctrines*, I will venture

venture to say, never could be *complied with* or *acted on* by any man of *honourable feelings*, and who deserved to be employed in a *military capacity*. To me it appears that the common principle is, to enquire first, and punish subsequently; and that it is a most dangerous doctrine to inculcate, that we are to *punish first*, and *enquire afterwards*.

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But I own this *intention* of Government, *as stated* by the Judge Advocate General, strikes me as *equally novel* and *unprecedented*. I acknowledge, in the fullest manner, the power of suspension in that Government; but I doubt extremely its power of restoration to office. The power of the Indian Governments, further than relates to granting permission to the individual to *remain* in India, or of sending him home, I am apt to imagine falls to the ground the moment suspension in military instances takes place. The case is appealed to a higher tribunal, and to that tribunal I hold it must go.

Suspension of a *military officer without trial*, and by a *delegated authority*, is a power *unknown* in any *other part* of *the British Empire*. We are to presume it was given to India Governments for wise purposes, applicable to their local situations. It arms them with full power, in strong and imminent cases, of getting rid of any individual; but what I contend is, the moment it is made use of, the individual so suspended *is out of their jurisdiction:* the Government suspending a party, *versus* the person suspended, and the case is tried before a superior jurisdiction, which can alone decide between the two parties. If it be otherwise, it gives most extraordinary powers, for it enables a delegated executive authority to decide finally, for a length of time, on the wisdom of its own conduct in the execution of the most extraordinary power delegated to it.

The possession of both powers is extremely different from the possession of either; and though one can easily imagine the salutary grounds on which that of suspension was delegated, I apprehend it would be extremely difficult to assign any grounds for the delegation of both, unless we *presuppose* a *rash* and *unwarrantable exertion* of *suspension*, which the Government itself, in my opinion, was bound to have looked to before they adopted it, and which never could be presupposed by the power delegating.

Whether then in the order, the words "till the pleasure of the Court of Directors "was known," were or were not inserted, I should be inclined to hold, is of no consequence, the very act of suspension implied it. Major Boles from the moment was struck out of the list of the India Army; and I should humbly apprehend, no power but the Company could re-establish him.

The principle on which all delegated executive authority rests, must have reference in my mind, to the safety of the State; in some cases it is wisely stronger than in others, in this it is stronger than any that can be mentioned. It must therefore, I apprehend, have been given for purposes commensurate to the extent of the power. Great as the power is, in my understanding, it in wisdom can only apply to *grave* and *great criminality;* but if I allow the latitude of the Power who inflicts the punishment, having the power to reverse it, it does away the only grounds on which it could be originally given; it alters the whole character of the power itself; and instead of being an executive act, to be exercised with *heavy responsibility only*, on occasions of great *import to the State*, it becomes neither more nor less than the infliction of an *arbitrary, petty punishment*, already vested by law in the military authority.

I cannot credit such was the intention in granting this extraordinary power. I doubt whether it be vested in the Governments; and if it be, I have no hesitation in saying it seems to me to be in direct opposition of the only principles that authorize the delegation of such authority. I perceive the Judge Advocate General, as many others are, is inclined to state the *effects* of the General Order to be that of producing the present state of things on the Coast. I will not at present enter into its defence; but I own it has struck me with infinite amaze, that no one ever hinted that possibly the order of Government in consequence of that order, might have a more serious effect in producing the present state than the order itself. Grant it for a moment a seditious paper; still I wish to know how it produced this fermentation: it was stopped *in limine* by the Government; branded with every mark of infamy; and I can no where find or see, in all these discussions, the least attack on Government for rescinding the order, and expunging it from the records of the Army; but I do see,

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in every inſtance, complaints made againſt the extent of the puniſhments inflicted by Government on the occaſion, particularly in the inſtance of Boles.

The extent of puniſhment is a point for which the executive Government is ſolely reſponsible, and the exercise of this responsibility appears to me what is principally attacked.

The Advocate General too, it appears to me, has advanced some extraordinary doctrines upon this occaſion. He ſtates that the maxim " the King can do no " wrong", is counter-balanced by another, " that no one can plead the authority of the Crown to an illegal act;" why this opinion was quoted, I am at a loss to conceive. The case in queſtion is that of a miniſterial officer, and if the Judge Advocate General, or the Advocate General, draw any parity between an officer acting under the Crown, and the present case, I completely differ with them. I will allow the general doctrine they advance to be true, but I draw the broad diſtinction, that there is no miniſterial officer of the Crown, and that they are all principals.

The doctrine ſtated, evidently applies to the State officers of the Crown, and I would be inclined to say, that the counterpoise to this maxim is, that the advisers of the Crown are held by law responsible for their advice, and thereby as principals, becoming amenable to the laws of their country.

Nothing can be more clearly laid down in the very passage alluded to, than that no act of the Crown has any validity until countersigned by one of the State officers; without the proper signature, such act is a mere dead letter. The person signing cannot, therefore, I apprehend, be considered in any view as a miniſterial officer, but muſt in every view be considered as the diſtinct principal. But to conclude, a great diſtinction is to be drawn between a military and all other classes of the community. Every other class of His Majeſty's subjects has but one rule and one course to follow, to wit, that of paying due obedience and deference to the known laws of the land; but the military are under a double tie, that of the known laws of the land, and a particular code of laws to which they have subjected themselves.

This laſt, from due deference to the necessity of military subordination, is infinitely severer than the former; it is that to which they are moſt accuſtomed, and to which, in their military capacity, they chiefly look. But if we are to be told by a Governor, what would be very proper to be told by a Judge from the Bench, when a case comes before him, and what is quoted by the Judge Advocate General, that you are only to obey juſt commands, and that all unjuſt commands are invalid (though I suspect this remote precedent applies to none of the beſt of times of the Britiſh Government) it appears to me that you are adopting moſt novel measures to form your army into a body of men, deliberating not only what may be *law in their opinion*, but what may be *equity in their conſtruction.*

If military obedience is to rest upon such hinges, all that I can say for you is, that in my humble opinion, the character of the Army muſt be radically changed.

In ſtating this opinion on the subject of the suspension of Major Boles, I am sure it is hardly necessary for me to add, that though I think the Madras Government erred upon the occaſion, it does not, in the smalleſt degree, alter the criminality of those who are now inſtigating the troops on the Coaſt to illegal acts it has been referred home to the legitimate tribunal to judge on. Sir George Barlow had legitimate right to suspend Major Boles or any other officer; whether he has made use of a sound or unsound discretion in the exercise of the authority placed in his hands, is for no person on the Coaſt to decide on.

40, Albermarle Street,
19th October 1810.

My dear Boles,

IT is with very great pleasure that, in compliance with your desire, I ſtate what is within my knowledge relative to the cuſtom in the Adjutant General's Office, respecting occassional transmissions of manuscript copies or extracts of General Orders, &c. to particular ſtations of the Army; and I do so with the less hesitation, under the idea that, from my long connection with that office, as mentioned hereafter, it will be admitted

mitted that my acquaintance with the subject, is the result of some years observation in the Office. No. 6.

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The periods of my belonging to the Adjutant General's Office, are as follow, and comprehend a considerable portion of time both before and after the introduction of the practice of printing the General Orders, which happened in the year 1800.

1ſt	-	From May	- 1791	to June	- 1792.
2d	-	From July	- 1795	to April	- 1796.
3d	-	From February	1799	to October	1799.
4th	-	From January	1800	to December	1807.

Subsequently to the introduction of the practice at Madras, of printing the General Orders, it was the invariable cuſtom (when deemed to be necessary either by the Commander in Chief or the Adjutant General) to transmit manuscript copies or extracts of General Orders to particular ſtations of the Army, at which a more early knowledge of such orders or extracts might be desirable, than would have been communicated by waiting for the printed copies to be received at the Adjutant General's Office, from the press. On every such occaſion it was also cuſtomary to make a record of the transaction in the Adjutant General's Office, and to transmit, at a future period (usually the time of general dispatch of the orders) a printed copy of such General Order to each ſtation to which manuscript copies or extracts had, in the firſt inſtance, been forwarded; and the latter transmission took place for the purpose of keeping complete the record of General Orders, which the regulations of the Service provide for being preſerved at every military ſtation under the Presidency of Fort St. George.

A reference to the Office of the Town Major of Fort St. George, would readily prove the fact, not only by the original manuscript copies and extracts of General Orders being found among the Records of that Office, but by various extracts, appearing in the Garrison Orderly-Book; many of which I have read, in consequence of the cuſtom that prevails there of the Garrison Orderly-Book being shown to all officers residing at the Presidency, who, from not belonging to corps on duty at Fort St. George, have not otherwise any opportunity of becoming informed of the daily Garrison Orders. It would be found also, on such a reference, that each of those copies or extracts of General Orders, so inserted in the Garrison Orderly-Book of Fort St. George, bears the counter-signature of the Governor for the time being, as an authority to the Town Major to publish them to the troops composing the garrison. It has often been my duty to obtain such counter-signature, and afterwards to transmit the document bearing it, to the Town Major, for publication.

You are welcome to make any use that may suit your convenience, of this communication; and ſhould a more formal declaration of it be deemed necessary, I shall moſt readily make it.

Believe me, my dear Boles,
Moſt faithfully your's,
(Signed) FREDᴷ PIERCE.

P. S.—I have particularized Fort St. George, merely because it is a ſtation at which embarkations and debarkations of troops moſt frequently occur; at which General Courts Martial oftenеſt assemble; and at which other general duties ordered from the Head-quarters of the Army, and equally requiring dispatch, are conſtantly performed: circumstances which consequently occasion a more frequent transmission of manuscript copies of orders and extracts to Fort St. George, than to any other ſtation.

(Signed) F. PIERCE.

AT a Court of Directors, held on Wednesday the 28th November 1810:

THE Court's attention being called to certain points connected with their proceedings on Tuesday last, upon the cases of the suspended Madras officers; and

The General Letter to Fort St. George, dated the 7th May 1778, paras. 12 and 13, being read;

Draft of a proposed Letter to the under-mentioned personages, transmitting to each,

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each, a copy of the said paragraphs, and requesting such information thereon as they may be severally enabled to give, was read and approved; viz.

To Colonel Malcolm,
Lord W[m] Bentinck,
Sir J. F. Cradock,
Lieut[t] Col[l] Pierce,
Lieut[t] Gen[l] J. Stuart,
Lieut[t] Gen[l] Harris, and
Lieut[t] Col[l] Wilkes.

On a Motion,

Ordered, That the consideration of further proceedings, on the cases of the suspended Madras Officers, which stands for Friday next, be further postponed.

Extract of General Letter to Fort St. George, dated 7th May 1778.

Par. 12.—HAVING directed that orders respecting regimental detail and military discipline of the Army in general, including the garrison of Fort William, and troops stationed in the town of Calcutta, shall be issued in the name of the Military Commander in Chief, or in his absence, in the name of the superior Military officer doing duty at Fort William for the time being; and that such orders shall be communicated to the Governor General for his approbation, before they be issued to the troops in the garrison, or in the town of Calcutta; we now think proper to signify our pleasure, that all orders proposed to be issued by the Military Commander in Chief, respecting regimental detail and military discipline, shall be communicated to the Governor General, for his information, twenty-four hours at least before they be issued to the troops; and having been so communicated, and not disapproved by the Governor General within twenty-four hours after communication, and such disapprobation signified in writing by his Aid de Camp, or other proper officer, to the Military Commander in Chief, the said Military Commander in Chief may then issue the same to the troops, which shall not afterwards be revoked or altered by any order of the Governor General only, nor otherwise than by the Military Commander in Chief, or by a resolution of the Governor General and Council, to be given out in General Orders for that purpose.

13.—And if it shall happen that the Governor General shall disapprove of any order proposed to be issued by the Military Commander in Chief, we direct, that he state his reasons, in writing, for such disapprobation, and that he cause them to be communicated to the Military Commander in Chief, in manner before directed; and if the Governor General's reasons do not appear satisfactory to the Military Commander in Chief, then we direct that the proposed orders and reasons for disapprobation thereof, be forthwith laid before the Council, for their final determination; and this mode of proceeding is also to be observed at all our other Presidencies.

Sir,

THE Court of Directors are anxious to ascertain, as far as it may be in their power, the practice that exists, or has existed, in the Adjutant General Office at Fort St. George, respecting the mode of circulating General Orders, either to the Army at large, or to the garrison of that fortress; and for your information upon this subject, I have the honour to transmit a Copy of the Court's Orders and Regulations, which were forwarded to all the Presidencies of India, under date 7th May 1778; and I have it in command from the Court, to request that you will have the goodness to transmit to me, at as early a period as may be practicable, any information which you think can throw a light upon this point.

East-India House,
the 28th Nov. 1810.

I have the honour to be, &c.
WILLIAM RAMSAY, Secretary.

Col[l] Malcolm, Ford Farm, near East Grinstead, Sussex.
Lord W[m] Bentinck, No. 26, Bruton-ſtreet, Berkeley-square.
Sir J. F. Cradock, Hereford-street, Oxford-street.
L[t] Col[l] Pierce, No. 40, Albermarle-street.
L[t] Gen[l] J. Stuart, Charles-street, Berkeley-square.
L[t] Gen[l] Harris, Belmont, near Feversham, Kent.
Col[l] Mark Wilks.

AT

AT a Court of Directors, held on Wednesday the 5th December 1810. No. 6.

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LETTERS from the under-mentioned personages severally, in reply to the Court's Letters to them, of the 28th ultimo, were read; viz.

From Lieut. General Sir John Cradock,
Colonel Henry Malcolm,
Lieut. Colonel Henry Pierce, and
Lieut. Colonel Wilks, all dated the 29th ultimo;
Lieut. General James Stuart, the 30th ultimo;
Lord Wm Bentinck, the 2d instant, and
Lieut. General Harris, the 29th ultimo and 3d instant; also

A letter from Lieut. Colonel Boles, dated the 1st instant, transmitting a copy of a letter from Major General Sir John Brathwaite, Bart. when commanding the Army in Chief, prescribing a line of conduct for the Adjutant General of the Army at Madras, to which is subjoined the extract of the late Marquis Cornwallis's order relative to the precise duty of the Adjutant General.

It was then, on a Motion,

Ordered, That the Court be specially summoned for Wednesday next, the 12th instant, for the purpose of deciding upon the case of Lieutenant Colonel Boles.

Sir, Hereford-street, 29th Nov. 1810.

I HAD the honour to receive your letter of the 28th instant, late last night; and proceed with pleasure to obey the commands of the Court of Directors, relative to any information I can give upon the usual mode of issuing orders to the Army at Madras, while I held the chief command.

All orders respecting the disposition of the troops, their movements, or of any nature to incur expence, invariably arose with the Government; and when received from the Secretary, I issued them through the Adjutant General, the Quarter-master General, or the Secretary to the Military Board, as the circumstances might affect the respective departments of those officers.

I without exception submitted such orders as applied in any shape to the troops composing the garrison of Fort St. George, to the Governor, supposed upon old principles to be exclusively under his command.

In respect to the common details and discipline of the Army, the propriety of submitting them to the Governor or President of the Council never entered into my contemplation, no more than the Commanders in Chief in England, Scotland or Ireland, would feel the necessity of consulting the Government on such subjects.

Such were the general principles that prevailed in the course of my command, as to the origin and execution of military orders, and I really am unacquainted with the local arrangements of the Adjutant General's Office; for while I was assured that there was no neglect or loss of time in the circulation of orders, I did not examine the precise means by which the officers in charge of that department executed their duty. Whether the orders were issued in print or manuscript was no public consideration, and could be viewed only as a point of convenience in office, for the dispatch of business, or the better preservation of the necessary records.

It was always my anxious wish to imitate as closely as practicable, the military as well as civil institutions and usages of the parent State (England); as I conceived any deviation to be dangerous, only calculated to answer the temporary purposes of contending parties, and likely to produce disunion, without advancing in the least the public interest.

I have the honour to be, Sir,
Your very obd. humble Servant,
(Signed) J. F. CRADOCK, L. General.

Wm Ramsay, Esq.
Secretary, &c. &c. &c.

Ford Farm, near East Grinstead,
29th November 1810.

Sir,

I AM just now honoured by the receipt of your letter of yesterday's date, with its enclosure, signifying, "that the Court of Directors are anxious to ascertain, as far "as may be in their power, the practice that exists, or has existed in the Adjutant

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" General's Office at Fort St. George, respecting the mode of circulating General " Orders either to the Army at large, or to the garrison of that fortress; and that, " for my information upon this subject, you had transmitted to me a copy of the " Court's Orders and Regulations, forwarded to all the Presidencies in India, under " date 7th May 1778;" and further, " that you had it in command from the Court, " to requeſt of me to transmit to you, at as early a period as might be practicable, " any information which I may be of opinion can throw a light upon this point."

In answer, I beg leave to acquaint you, for the information of the honourable Court, that the General Orders circulated to the troops serving under the Presidency of Fort St. George, were of two descriptions; viz. Firſt, those originating in Council; and Second, those originating with the officer at the head of the Army. Of the former, two copies were furniſhed under the signature of the Secretary, one of which was sent to the Town Major of Fort St. George, and circulated from his Office, to the troops composing its garrison; and the other to the Adjutant General, who, having laid it before the officer at the head of the Army, circulated the orders to the officers appointed to command divisions of the Army, and to the different ſtations of the troops, the garrison of Fort St. George excepted.

In regard to the second description of General Orders, they were circulated as follows, when the offices of Governor and Commander in Chief were not united in the same person; viz. a copy of such orders, under the signature of the Adjutant General, was by that officer presented to the Governor of Fort St. George, who, having perused them, affixed his signature opposite to that of the Adjutant General; and the copy of these General Orders, thus signed, was sent by the Adjutant General to the Town Major of Fort St. George, and by this laſt-named officer circulated to the troops in that garrison: and a copy of the General Orders, which had thus been presented to the Governor, having always been retained in the Office of the Adjutant General, they were by him circulated to the other ſtations, and to the officers commanding divisions of the Army.

When the offices of Governor and Commander in Chief were united in the same person, the same mode as above ſtated was followed in regard to the General Orders originating in Council; but I cannot now bring to my recollection, whether or not the Governor thought it necessary that his signature ſhould be affixed to the copy of his General Order, in his capacity of Commander in Chief, which the Adjutant General furniſhed to the Town Major for the information of the troops in Fort St. George. The Adjutant General, on receiving the orders of the Commander in Chief, who was also Governor, circulated them, as a matter of course, to the several ſtations, as soon as copies sufficient for the purpose were made out.

I beg leave to be underſtood as having now ſtated, in compliance with the desire of the honourable Court of Directors, the mode of circulating General Orders that was followed during the time I held the office of Adjutant General, and was ſtationed at the Presidency; and to the beſt of my recollection I have ſtated it correctly: although it ſhould be otherwise, I make no doubt allowance will be made in consideration of the time that has elapsed since I ceased to officiate in that capacity. During the time that both myself and the Deputy Adjutant General were employed in the Field under Sir Hector Munro, Sir Eyre Coote, General Stuart, Sir William Meadows, and Marquis Cornwallis, and there being no Assistant Adjutant General left to conduct the business of the office at the Presidency, the General Orders of the officers thus situated at the head of the Army, were either circulated directly from my Office in Camp to the Quarters already mentioned, or under an arrangement made for the purpose when the Army took the field, were transmitted to the Town Major of Fort St. George, and by him circulated in the form of attested copies; but on this part of the subject I may be less correct than in what I have explained relative to the mode followed while I was ſtationed at the Presidency.

I do not recollect that any alteration in the mode of circulating General Orders was adopted between the period that I ceased to hold the office of Adjutant General, and that of leaving Fort St. George in the year 1796; and, with respect to the regulations of the Service that have been adopted since my arrival in England, I have not had any opportunity of knowing them; and consequently I have been under the necessity of confining myself to the mode of circulating General Orders while I held the office of Adjutant General. I have the honour to be, Sir,

Your moſt obedient and moſt humble Servant,

(Signed) HENRY MALCOLM.

Wᵐ Ramsay, Esq. Secretary, &c. &c. &c.
East India House.

P. S. The

P. S. The General Orders of the Commander in Chief of His Majeſty's troops, affecting the promotions and internal affairs of those troops, were circulated by their own Adjutant General or his Deputy, and did not go through my office.

(Signed) HENRY MALCOLM.

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William Ramsay, Esq. Secretary to the Honourable the Court of Directors of the Eaſt India Company.

Sir,

HAVING been honoured with your letter of yeſterday's date, and an extract of the Court's General Letter to Fort St. George, dated the 7th May 1778, I haſten to comply with the commands of the honourable the Court of Directors, by ſtating to you every information that I possess relative to the practice that exiſts, or has exiſted, in the Adjutant General's office at Fort St. George, respecting the mode of circulating General Orders either to the Army at large, or to the garrison of that fortress; together with such circumſtances relative to that subject as are consistent with my own knowledge, and have occurred during a period of sixteen years connection with the office of Adjutant General prior to the close of the year 1807, and which, according to the honourable Court's inſtructions, I consider to be calculated to throw light upon that point of the duty of the Adjutant General's office.

The General Letter, of which the above-mentioned extract is a part, is recorded in the orderly-book of the Adjutant-General's office, and has invariably been considered the principle which regulated every issue of the General Orders of the Commander in Chief, both to the Army at large, and to the particular garrison of Fort St. George. It has been deemed conclusive with regard to the publication of the Commander in Chief's orders to the garrison of Fort St. George; but doubts have been entertained as to the extent of operation which it assigns to the Governor's approbation, and I feel it proper to observe, that in the course of my service in the Adjutant General's office, two different interpretations of its meaning have prevailed at diſtinct periods. The one, and that moſt remote, was that the previous approbation of the Governor of Fort St. George to a General Order of the Commander in Chief, applied to its publication to the Army at large; the other, and more recent, that such approbation was wholly confined to its publication to the garrison of Fort St. George, of which the Governor is avowedly the immediate Commandant. Both interpretations have been acted upon for a considerable length of time; the former has long since been abandoned, the latter prevailed when I quitted the office in December 1807, as it had done for several years, and was moſt generally admitted to be the true one. I am unacquainted with the real cause of change in opinion on the subject; but I have heard it ascribed to an act of the Legislature. However, the fact of its exiſtence was moſt unequivocally eſtabliſhed in the year 1806, during the adminiſtration of Lord William Bentinck, in the inſtance of a General Order being publiſhed by the Commander in Chief (Sir J. Cradock) relating to the conduct of Lieutenant Weſt, of the 8th regiment Native Cavalry. Although his Lordſhip, from disapproving the order, withheld his concurrence to the publication of it to the garrison of Fort St. George, it was nevertheless publiſhed to the reſt of the Army, and the only result of his Lordſhip's act was, that the orderly-books of the Town Major's office, and of the corps in garrison at Fort St. George, were deprived of a General Order which was recorded in every other of the Army.

Beſides the honourable Court's General Letter, no other written document applying solely to the particular duty of circulating the Commander in Chief's General Orders, either generally or partially, has ever exiſted on record in the Adjutant General's office. Cuſtom and usage have therefore supplied the place of positive and defined regulation; but a letter bearing date the 16th September 1800, from the late Sir John Brathwaite to the Adjutant General, prescribing to the latter rules for his conduct, forms a record in the office, and was made so by Sir John's express order to that effect. The apparent object of that letter is to admoniſh the Adjutant General againſt the performance of any official act without the previous sanction of the Commander in Chief, and to warn him of the probable consequence of so indefensible a line of conduct.

The honourable Court will be aware that the period of my connection with the Adjutant General's office includes a considerable space of time, both before and after

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the introduction of the practice of printing the General Orders at Madras. That practice was introduced in the year 1800, having as its object the double advantage of accelerating the publication of General Orders, and of ensuring a greater degree of correctness in the numerous copies of those orders, eighty-four in number, than was attainable when issued in manuscript. To the accompliſhment of those desirable objects, viz. dispatch and accuracy, was added a reduction in the eſtabliſhment of writers (Clerks) in the Adjutant General's office; and such alone were the real considerations, and no others, which gave rise to so essential an improvement in the execution of that branch of the duty of the Adjutant General's office.

Upon ordinary occasions of the Commander in Chief's deeming it expedient to issue a General Order subsequently to the introduction of the practice of printing the General Orders, the regular progress of such order, from its receipt from the Commander in Chief to its publication to the Army, was, firſt, a copy being prepared in the office, compared with the original, and sent to the press under an envelope addressed "to the Superintendant of the Government Press." Second, The prescribed number of copies, usually 84, being returned from the press to the office. Third, The number of copies required for circulation to the Army (with exception of that for the Governor of Fort St. George) being signed by the Deputy Adjutant General, or the Assiſtant Adjutant General, or by both jointly. Fourth, The copies so signed being placed within an envelope, bearing the address of each particular officer for whom it is intended, and having the word "Service" written on it, together with the signature of either of the above-mentioned officers. Fifth, The envelopes for dispatch being sealed, and after having been recorded in the poſt-book of the office, being sent to the General Poſt Office.

When present at Madras, and not prevented by sickness, duty, or other cause, from attending the office, the Adjutant General almoſt invariably signed the copy of every General Order for the Governor of Fort St. George, and sent it to him within an envelope, bearing the address of the Town Major. This he did at his earlieſt convenience, whether that might be immediately on receipt of the copies of orders from the press, or at any subsequent period; but in neither case did it affect the dispatch of those to the other ſtations of the Army. In the absence of the Adjutant General, from whatever cause, the duty of signing the copy for the Governor of Fort St. George, and of sending it to him, like every other duty devolved to the Deputy Adjutant General, and so on to the Assiſtant Adjutant General. The following is the form of Note usually sent with the copy to the Governor:

"The has the honour of requeſting the Right honourable
"the Governor's sanction to the publication, in Fort St. George, of the ac-
"companying General Order of his Excellency the Commander in Chief."

"Adjutant General's Office,
1810."

The course above described is that observed on ordinary occasions of publiſhing a General Order of the Commander in Chief, but in cases of emergency, or those requiring more than common dispatch, in the opinion of the Commander in Chief or of the Adjutant General, it was the conſtant practice to transmit manuscript copies or extracts of General Orders to such ſtation or ſtations, in any number, at which it was considered necessary to give more immediate information of any order, or part of an order, than would have been communicated by adhering to the usual routine of waiting for the receipt of the printed copies from the press, and afterwards making a transmission to such ſtation or ſtations. It was also the invariable practice, on every such occasion, to make a record in the office of the transaction, and to forward at a future period (usually the time of general dispatch of the orders) a printed copy of the same General Order to each ſtation to which manuscript copies or extracts had in the firſt inſtance been transmitted; and the latter communication was made with the view of keeping complete the record of General Orders which the regulations of the service provide for being preserved at each military ſtation under the Presidency of Fort St. George.

As tending to throw light on the subject, it may not be deemed irrelevant to the point under report, to notice the cuſtom of publiſhing General Orders both of Government and of the Commander in Chief, in the Government Gazette. The obvious and sole object of the measure is to afford, through the medium of that paper, information of orders to individuals, who, from various causes, may be deprived of the opportunity of

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of seeing General Orders, the circulation of the Gazette extending not only to all India, but even to Europe, while that of General Orders is confined to the military ſtations under the Presidency of Madras. The Gazette contains an order of the Government to all persons to pay equal obedience to any thing in it which may affect them, as if the same had been communicated direct under an official signature, and is delivered from the press every Thursday morning. To prevent an indiscriminate publication of General Orders, by which some might appear of a nature improper to meet the public eye, those intended for insertion in the Gazette, which comprehend all that may have been printed subsequent to the preceding Thursday, are in the firſt inſtance submitted on every Wednesday to the Adjutant General. He affixes his signature to such as are unobjectionable for public view, those are afterwards brought under the inspection of the Chief Secretary to Government, who is the firſt officer of the Government (the Governor of Fort St. George, in his military capacity of Commandant of the garrison alone excepted) who acquires any knowledge of the Commander in Chief's General Orders.

In the hope that my endeavour to fulfil the expectation of the honourable the Court of Directors may not be entirely unsuccessful.

I have the honour to be, Sir,
your very obedient Servant,
(Signed) FRED. PIERCE, L[t] Col[l]
21ſt Reg. Native Infantry,
Madras Eſtabliſhment.

40, Albermarle-ſtreet,
29 Nov. 1810.

To William Ramsay, Esq. Secretary to the Honourable Court of Directors.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yeſterday's date, conveying to me the desire of the honourable the Court of Directors, that I ſhould transmit to you such information as I possess, regarding "the practice that exiſts, or "has exiſted, in the Adjutant General's office of Fort St. George, respecting the mode "of issuing orders either to the Army at large, or to the garrison of that fortress."

"The practice that exiſts, or has exiſted, comprizes too wide a range to be ſtated "with confidence from memory alone; but the subject is so familiar to my mind, that "I hope I ſhall incur no risque of material error, with regard to the practice of later "times."

The measure of granting to Indian Governors a separate commission as Commander in Chief of the garrison at which they preside, has occasioned some anomaly in the routine of military business, and I recollect no subject in the history of the records of the Company, on which the orders from England have been so various and opposite at different periods, as in defining the relative powers of the Governor and the Commander in Chief of the Forces. The seizure and imprisonment of Lord Pigot would seem to have influenced the orders from England about that period of time, and may have produced the order of 1778, of which you have transmitted a copy. I recollect having seen this or a similar document, in the course of an examination of the Records of Madras, and the impression on my mind is, that I have also seen its revocation, but I cannot ſtate from memory either the date or the manner in which it was rescinded; nor is my recollection on this point sufficiently diſtinct to enable me to say that it may not have fallen without revocation into disuse at all times, from the obvious fact of its being impracticable on service. I can only ſtate with confidence, that the practice prescribed in the orders of 1778, of submitting all military orders to the previous sanction of the Governor, has been entirely disused from the period at which I began to have the means of acquiring information on such subjects, viz. from a few years after my arrival in India.

The General Orders issued to the troops from the office of the Adjutant General are of two descriptions; General Orders by Government, and General Orders by the Commander in Chief of the Forces.

The preamble to the former of these states, that they have been addressed by Government to the Commander in Chief, and are accordingly published in Military Orders, a routine which appears intended to intimate that all orders whatever are issued to the Army by or through their Commander in Chief.

Two exceptions to this routine occur to my recollection; one of ordinary practice, and the other of extraordinary emergency.

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The General Orders by Government intended for the troops in garrison at Fort St. George are sent direct to the Town Major, or in other words, the Governor, as Commander in Chief of that Garrison, sends them direct to his own Staff Officer for publication. It will presently be seen that the General Orders by the Commander in Chief of the Forces intended for the garrison of Fort St. George, are sent to the Governor for his sanction. The General Orders by Government intended for that garrison are not sent to the Commander in Chief, because it would be unnecessary and absurd to send them to him, to be again sent back to the Governor for a sanction which they had already received.

The case of extraordinary emergency to which I advert, when orders were issued to the Army not through the Commander in Chief, was the removal from command of Major General Stuart in 1783; these orders were addressed direct to the Adjutant General to be published to the Army, because they superseded the regular authority through which they would otherwise have been issued. The supercession of Sir J. Burgoine in the same year, is a second instance, and that of Major General Macdowall in 1809, appears to be a third.

It remains to speak of the General Orders by the Commander in Chief, which are issued from the Adjutant General's office.

The right of the Commander in Chief of the Forces at Madras to issue to the troops, without reference to any other authority whatever, *all orders purely military, and not involving the expenditure of the public money,* has never been questioned within my recollection; and the practice has certainly conformed to this supposed right. No order by the Commander in Chief of the Forces can be issued to the troops in Fort St. George, without the sanction of the Governor in his separate capacity of Commander in Chief of that garrison, and it is in that capacity alone that his sanction is required. The established routine requires that the Adjutant General himself, if present, and if not, the person officiating as such, and not any subordinate, should transmit the order to the Governor, with a note requesting that he may be pleased to sanction the publication to the troops in his garrison, and the form of this note describes the order as a General Order by the Commander in Chief, and not a General Order intended to be issued by the Commander in Chief; to save trouble, it is placed in an open cover addressed to the Town Major; if that officer happens not to be in waiting, the Governor sends it to him, after having affixed his initials as is usual on the case of all official papers sent for his perusal, as an indication to the Town Major that he has seen it. During the time that I held the office of Town Major, or officiated in that of Adjutant General, no instance occurred of any objection or hesitation with regard to the publication of these orders. I have heard on good authority, that one instance did occur of an order by the Commander in Chief having been published to the rest of the Army, and suppressed at Fort St. George. It occurred during the command of Sir J. Cradock; but as I was at a distance from the Presidency at the time, I cannot speak to the fact from my own personal observation; but I have had frequent opportunities of knowing that the dispatch of the order to the other stations is not delayed on account of any supposed reference to the Governor. In fact, it is not referred; the order does not return to the Adjutant General's office in any case, and it is by no means considered necessary that the copy for Fort St. George should be first sent; orders for the out stations are dispatched indifferently by the Adjutant General, the Deputy or the Assistant Deputy; but as it is the established etiquette that the copy addressed to the Governor be sent by the Adjutant General himself, and he is frequently absent from the office in attendance on the Commander in Chief, or his duty at the Military Board, the copy for Fort St. George is sometimes late in being issued in that garrison.

Since the year 1800, or about that time, General Orders of every description have been circulated to the Army in print. This routine was adopted by Colonel Agnew, then Adjutant General, on grounds of public economy as well as efficiency, the alternative of great expence or great delay being inevitable in the circulation in manuscript of the long orders and regulations which were frequently issued about that period, in consequence of the material change which had occurred in the state of public affairs. It was, however, entirely a private arrangement between the Adjutant General and the printer, and was paid for by the former at fixed rates; but since the adoption of a plan, by which the printing of all the departments is performed at the male asylum, without expence to Government, that of the Adjutant General's office has been

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been included with the rest. The arrangement was originally intended chiefly for the case of voluminous papers, and was also extended to all orders indiscriminately, for the convenience of forming an uniform record in the Offices of the Staff at out-stations; but it will be obvious from the nature of the thing, that a large proportion of military orders cannot wait the delays of a press occupied by other business, and situated upwards of a mile from the Adjutant General's Office; manuscript copies or extracts are accordingly still very frequently sent, and always when important, to the stations to which they particularly apply. If the order particularly apply to the troops in Fort St. George, it is sent in manuscript; if not, according to my best recollection it much more frequently waits for the press.

For the convenience to which I have adverted, printed copies are sent to all the stations, whether they had previously been sent in manuscript or not.

If I have omitted to notice any point which was in the contemplation of the Court, I shall always be ready to supply the defect according to my best information and remembrance.

I have the honour to be, Sir,
Your most obd[t] humble Servant,
London, Nov. 29th 1810. (Signed) M. WILKS, Lieut. Colonel.

Sir, Belmont, Feversham, 29th November 1810.

IN answer to your favour of yesterday, expressing "the Court of Directors' "anxiety for any information respecting the mode of circulating General Orders, "either to the Army at large or to the garrison of Fort St. George," I have it in perfect recollection, that on my being appointed Commander in Chief at that Presidency, I found it was customary for the Secretary of Government to send their General Orders to the Adjutant General, for him to take to the Commander in Chief, when of course they were issued, as the Commander in Chief being in Council had previously an opportunity of approving or representing any alteration he might think necessary. For the few orders I thought it necessary to give out from myself, excepting matters of trifling detail, it was always with a previous communication with the Governor. This I conceived was complying with the instructions of the Court of Directors, of which you enclosed me a copy, and what I should have done for the general interest of the Company's affairs had no such instructions been given.

Among the few papers I have been able to preserve, of the times when I had the honour of being employed by the Court of Directors, I find a book of General Orders at Fort St. George, which perhaps may be more satisfactory than any thing I can give from recollection.

Allow me to take this opportunity (instead of doing it formally as I intended) to request you will return my thanks to the Court of Directors, for their answer to my letter, requesting their orders to their Government of Madras for the payment of what is due to me of the Seringapatam prize-money.

I remain, Sir,
W[m] Ramsay, Esq. Your most obedient humble Servant,
Secretary, &c. &c. &c. (Signed) GEO. HARRIS.

To the Honourable the Chairman, &c. &c. &c. Court of Directors of the East India Company.

Honourable Sirs,

I HAVE had the honour to receive your Secretary's letter, dated the 28th instant, intimating the wish of the honourable Court, that I would state for their information such points as may throw a light on the practice that exists, or has existed in the Adjutant General's Office of Fort St. George, respecting the mode of issuing orders, either to the Army at large or to the garrison of that Fortress, and transmitting for my further information a copy of the Orders of the Court, dated the 7th May 1778.

The existence of such an order as that of 1778, has this day for the first time been brought to my knowledge. My first arrival in India was in 1781; I believe the practice described in that order, to have been entirely discontinued at that period; and I know it was never once observed, during the period that I had the honour of commanding your Army of Fort St. George. I never doubted the exclusive authority which I possessed as Commander in Chief of the Forces, to issue to the Army "all orders strictly military which did not involve the expenditure of public

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" money," and I never did submit to the Governor, nor to the Governor in Council, for their previous approbation, any military order which I issued to the troops. For orders involving public expenditure I considered my own authority to be incompetent, and they were always proposed by me, in my place in Council, and afterwards issued by authority of Government. I do not mean to affirm, that I never had any communication with the Governor on subjects of military business; I was in habits of mutual communication with Lord Powis, on all subjects, civil and military, which might occur in conversation, and I have occasionally consulted with his Lordſhip on the subject of military orders intended to be issued, but always on the footing of private friendſhip, and never in his capacity of Governor in Council, or Governor of Fort St. George.

With regard to the mode of issuing orders from the Adjutant General's Office, it will not be supposed by your honourable Court, that I could afford time for superintending the details in the offices of my subordinate Staff; the routine of these details had been long eſtabliſhed, the business was conducted to my perfect satisfaction, and can be more satisfactorily explained by the officers who have filled those ſtations. Lieutenant Colonel Pierce, who filled the situation of Deputy Adjutant General during the period of my command at Fort St. George, is now in London, and can give every information on the subject. On one point only it may be proper that I ſhould inform you, namely, that the military orders intended for the troops in Fort St. George were always sent from the Adjutant General's Office, for the sanction of the Governor, in his capacity of Commander in Chief of that garrison, on the obvious military principle, that all orders ſhould be issued to troops, through their own immediate Commander; that sanction was considered a matter of course; if it had been withheld, I ſhould certainly have regretted the circumſtance, from my private respect for the individual who filled that high ſtation; but as a public man, I ſhould never have considered it to interfere with the publication of the order to all the other ſtations of the Army.

I have the honour to be, Honourable Sirs,
Your moſt obedient humble Servant,
(Signed) J. STUART.

6, Charles-ſtreet, Berkeley-square,
30th November 1810.

Sir, Brampton, December 2d, 1810.

UPON my arrival here the day before yeſterday, I found your letter of the 28th November, containing a copy of the Court's Regulations under date the 7th May 1778, relative to the circulation of General Orders by the Commanders in Chief in India.

The exiſting practice seems to accord very nearly with the rules laid down in that letter. The orders of the Commander in Chief, respecting regimental detail and military discipline, were issued in the name of the Commander in Chief, and signed by the Adjutant General.

Such orders were always communicated to the Governor before they were issued to the garrison of Fort St. George. The Adjutant General sent a copy of them to the Town Major, to be laid before the Governor. The Town Major having received the Governor's permission, issued them to the garrison.

I never before saw the orders of 1778, and was not in consequence aware of the course prescribed to the Governor, in the event of his disapproval of any order of the Commander in Chief. In fact, the approbation of the Governor was never considered to be wanting, but for the publication of the order within the Fort. It often happened that to the reſt of the Army the order had already been made known before it was sent to the Governor. In the only case where I very much objected to one of the Commander in Chief's orders, I, in order that I might not be supposed to sanction the doctrine contained in it, simply desired that it might not be issued. I did not remonſtrate, because the order had already been circulated to the Army, and that otherwise, matters of military detail and discipline were exclusively within the cognizance of the Commander in Chief.

If I have not been sufficiently clear or explicit, I ſhall be happy to afford any further explanation that the Court may require.

I have the honour to be, Sir,
Your obedient Servant,
(Signed) W. BENTINCK.

Wm. Ramsay, Esq.

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Sir, Belmont, Feverſham, 3d December 1810.

THE wiſh expressed in your letter of the 28th ult. for every practicable expedition in furniſhing to the Court of Directors the information therein required, induced me to answer your enquiry by the returning poſt. The perusal of your letter left upon my mind an impression that the enquiry subſtantially concerned the mode of communication between the Commander in Chief, and Governor of Fort St. George, *preparatory* to the publication of military orders. Recollecting perfectly my own practice in that respect, I felt no difficulty in explaining it.

Having since reconsidered your letter I observe that the queſtion referred to me, relates to the practice of the Adjutant General, in circulating those orders after they had reached his office.

When it was determined in personal consultation with the Governor at the Council Board, or otherwise, what orders were necessary to be issued to the troops, they were sent by the Secretary of Government to the Adjutant General, to be delivered to me, if the orders were of a nature to require the official sanction of Government; but if the orders were purely relating to military detail, they were formed and delivered by myself to the Adjutant General, or in his absence to the Deputy, to be circulated to the several ſtations. The Adjutant General was of course responsible to dispatch them with all practicable expedition.

I recollect that one transcript was usually transmitted, by the Adjutant General, to the Governor of Fort St. George, as holding a special military commission as commanding the troops in that garrison, and after being signed by the Governor, he sent it to the Town Major, to be issued in that fortress.

This is all I can now recollect of the practice of the Adjutant General's Office, upon this particular point; and if any other information be required, I ſhall be very happy to give all in my power.

I have the honour to be, Sir,
Your obedient Servant,
(Signed) GEO. HARRIS.

Wm. Ramsay, Esq.
Secretary, &c. &c.

To the Honourable the Court of Directors for the Management of the Affairs of the East India Company.

Honourable Sirs,

MY case being yet under the consideration of your honourable Court, I take the liberty of forwarding a copy of a Letter of the late Major General Sir John Brathwaite, Bart. when commanding the Army in Chief, prescribing a line of conduct for the Adjutant General of the Army at Madras; to which is subjoined, the Extract of the late Moſt noble the Marquis Cornwallis's Order, relative to the precise duty of that principal officer on the General Staff; these Papers are, agreeably to the inſtructions therein conveyed, placed on the public records of the Adjutant General's Office for its guidance, and the duties of which office, during the six years of my being attached to it, were conducted in ſtrict conformity thereto.

Motives of delicacy to an individual, and which your honourable Court will fully appreciate, have hitherto prevented the transmissal of this document, and it would not now have been forwarded, if I had not underſtood from general report, that doubts are ſtill entertained respecting the *usage* and *practice* of the Service at Madras, in the mode of issuing the Commander in Chief's military orders, as well as of the precise situation of the Adjutant General of that Army; but it is to be presumed that it will now be seen, from the Order of 1789, ratified and confirmed by the above Letter of 1800, recorded in his own Office as a regulation for his guidance, that that officer is held free from every degree of responsibility (if ever any responsibility could possibly have been conceived to attach to him) in the performance of his official duties, under the immediate orders of his *bonâ fide* Commander in Chief.

Again apologizing for thus trespassing on the time of your honourable Court, I remain, with much respect,

Honourable Sirs,
Your moſt obedient very humble Servant,
T. BOLES,
Lieut. Colonel and Dep. Adjutant General,
Madras Eſtabliſhment.

London,
1ſt December 1810.

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Dear Sir, Gardens, September 16th, 1810.

I AM sorry to be obliged again to call to your mind, that it is necessary that I ſhould see every thing that is to be publiſhed to the Army, from your Office, before its publication; this is ſtill ſo conſtantly neglected, that I often hear in converſation, for the firſt time, of orders publiſhed to the Army. I cannot allow of the plea that they have been thought too trifling, as I think nothing that can be of conſequence enough to be publiſhed to the Army, too trifling for my *previous* inſpection; and I therefore now inſiſt, that no one order, or regulation or announcement, be the matter of it what it may, ſhall be iſſued from your Office, or even ſent to the preſs for that purpoſe, until I have ſeen it, and affixed the initials of my name to it, as a proof that I have ſo done.

I have ſignified to Government, that I will cauſe a ſet of Standing Orders, relative to the duties, &c. of the Army, to be forthwith prepared, to be iſſued from your Office, for the better regulating the diſcipline and conduct, payment and appointment, of the troops lately turned over to us from Bombay, ſo as to induce conformity throughout the whole of this Army, now under my command; and I have cauſed my Secretary to communicate to you, an Extract of a Letter from the Secretary to Government in the Military Department, by which Government, at my requeſt, authorizes the Aſylum Preſs to be employed for that purpoſe. I therefore deſire you will loſe no time in cauſing ſuch to be prepared, and having prepared them, they are on no account, or any part of them, to be communicated to any individual whatever, out of your Office, until they ſhall have been ſubmitted to me for my conſideration and approval; and ſhould I deem it neceſſary to ſubmit the whole, or any part of them, to the conſideration of the Right honourable the Governor in Council, on an idea that they combine or include matter of ſuch extent that the ſanction of Government may be requiſite to give to them that full force they ought to obtain, or ſhould I deem it neceſſary that any of the Secretaries of Government ſhould be previouſly conſulted on the whole, or any part of them, I ſhall then, if I approve the matter, either ſubmit it in whole or in part to Government, or authorize you to do what I think neceſſary, informing Government in that caſe that I have ſo done, that it may know that I have paid due attention to the ſubject, and have not neglected my duty, or tranſferred it improperly to another.

You muſt upon this occaſion, and every other, conſider yourſelf while Adjutant General of this Army, as confined to that line of duty which has been defined to be the duty of the Adjutant General of the Army, by the moſt noble the Marquis Cornwallis, when Earl Cornwallis, Governor General and Commander in Chief of all the Britiſh Forces in India; of which definition I have myſelf put you in poſſeſſion, and which definition is alſo to be found on the records of Government, and which I now direct to be regiſtered in your Office, ſubjoined to this letter, which is without delay to be entered on the records of your Office, as a record for future reference to: and I deſire that you will alſo, without delay, acknowledge the receipt of this letter, and inform me of its having been ſo recorded.

By this clear definition of the nature of your Office, you will be inſtructed, that you cannot in any caſe be at liberty to act officially, but under the immediate orders of the Officer commanding the Army in Chief for the time being, who alone is the inſtrument by which Government is to controul and govern the Army; much leſs can you be at liberty, as Adjutant General, to prepare or communicate to any perſon or in any manner, or publiſh to the Army or any part of it, any order, orders, or regulations for the better government of the Army, and in conſequence carrying into execution all ſuch intentions of Government as fall to be attended to or executed by officers or ſoldiers of the Army, which have not been previouſly iſſued to you for ſuch purpoſe by the Officer commanding the Army in Chief, as is ſufficiently clear from the manner in which all the orders of Government even, which are intended to be iſſued to the Army, are prefaced in the Orderly-Book when iſſued to the troops, as although it has been a practice for ſuch orders to be addreſſed to the Adjutant General, it never has been or will be underſtood, that ſuch ſuperſcription or addreſs is in any way meant to infringe on the prerogative, or to preclude the active functions of the Officer commanding the Army in Chief; or the moſt noble the Marquis Cornwallis has erred in his deciſion on a queſtion of the higheſt military magnitude.

I have

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I have began this letter "Dear Sir," as it has been my conſtant ſtyle of addreſſing you; and as I have no deſire to change a ſtyle which ſo clearly prefaces every communication of mine to you with a declaration of my eſteem and regard, as I truſt that all communications of mine to you relative to the duties of your office, however conveyed in terms of regard and familiarity, muſt have with you the same weight as if more formally addreſſed, even as much as if they were headed "Orders;" for ſuch they are to all intents and purpoſes whenever they convey to you my decided intention on any point that it becomes neceſſary to paſs through your office, as the means of carrying ſuch intention into execution.

Whether you have hitherto ſo conſidered my notes to you I do not poſitively know, but I believe you have; at all events, I deſire that they may, when of the nature I have deſcribed, be ſo conſidered in future; and in regard to this letter, I have declared that I conſider it as official, and that it is as ſuch to be acknowledged and obeyed, and as ſuch, that it is to be recorded in the Adjutant General's office.

Should you, Sir, have any doubt on your part relative to the true and only line of your duty, notwithſtanding the high authority with which I have furniſhed you, I can only ſay, that your ſafeſt way is to obey me; by ſo doing, you diveſt yourſelf of reſponſibility and attach it to me, and render it unneceſſary for me to obtain the only legal deciſion on the caſe that I know of; I mean that of a general Court Martial, to the judgment of which I can eaſily contrive to bring the caſe, by imputing miſconduct to you, which I can do without being really offended, in the way in which decrees are obtained in the courts of law, by the inſtitution of amicable ſuits.

I ſhall now conclude with noticing a practice, which I deſire may be diſcontinued in future, although I never yet objected to it; and that is, the practice of bringing with you often for my inſpection, either when at my own houſe or at the Military Board, large bundles of letters on which my deciſion is requiſite; this practiſe leads, I apprehend, often to haſty deciſions on my part, and may ſometimes occaſion forgetfulneſs on your's; at all events it is irregular and improper, and carries with it an appearance of my not giving ſufficient attention to matters on which my deciſion is to be final: I therefore deſire that all letters, without exception, that are addreſſed to you officially as Adjutant General, may be ſent to me under a cover on the day of their arrival, that I may have an opportunity of uſing my own leiſure in communicating to you my deciſion on them.

I have the honour to be, dear Sir,
Your's faithfully,
(Signed) JOHN BRATHWAITE.

To Lieutenant Colonel Agnew, Adjutant General, Madras.

Extract of a Letter from Earl Cornwallis; dated Fort William, 14 March 1789.

"I TRUST, if it has not been already done, that the Government of Fort St. George will, upon mature deliberation, ſee the neceſſity of recalling ſo indefenſible a reſolution; and before I conclude this letter I muſt expreſs my wiſh, that it would be recollected by the Civil and Military Departments at Madras, that the Adjutant General of the Company's troops on that eſtabliſhment cannot, without the greateſt irregularity, unleſs, as I have already mentioned, the functions of the Commander in Chief ſhould be exerciſed by the Board, have any direct communication with the Civil Government; he has no independent authority of his own, but is only an executive inſtrument in the hands of the Commander in Chief, or of the ſenior officer of the troops when diſcharging, as at preſent, the duties of that officer, for circulating his orders to the Army in the manner he may think proper to direct. All Minutes of Council, or Orders of Government, that relate to the troops, ought to be addreſſed directly to the Commander in Chief or ſenior Officer, and he alone ſhould be held reſponſible to Government for the purpoſe of diſtribution and effectual execution of them."

40, Albermarle-ſtreet,
1ſt December 1810.

(A true Extract.)

To the beſt of my knowledge and belief, the foregoing is a true and correct tranſcript of a letter from the late Major General Sir J. Brathwaite to the Adjutant General;

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General; which letter was sent by Sir John Brathwaite to me as Deputy Adjutant General, to be given by me to the Adjutant General, and which duty I performed reporting the execution of it to the officer commanding the Army in chief.

(Signed) FRED. PIERCE,
Lieut. Col[l] 21ſt Regiment Native Infantry,
Madras Eſtablishment.

AT a Court of Directors, held on Wednesday, the 12th December 1810;

THE Court now proceeding, according to order of the 5th inſtant, to decide upon the case of Lieut. Colonel Thomas Boles, one of the suspended Officers from the Madras Army,

The under-mentioned Letters, which were read on the 5th inſtant, were again read; viz.—

From General Stuart,
Colonel Malcolm,
Lord W. Bentinck,
Sir J. Cradock,
Colonel Wilks,
Colonel Pierce, and

Two from General Harris—Also from Lieut. Col. Boles, with Enclosures, which latter were likewise read on the 5th inſtant.

A Motion was then made,

"That Lieut. Colonel Thomas Boles, late Deputy Adjutant General on the "Madras Eſtablishment, in the manner of preparing and circulating to the different "Stations of the Army, transcripts of the General Order of Lieut. General Mac-"dowall, dated the 28th January 1809, and in not only entertaining a public "Address to him from a combination of officers of the Madras Army, written in "declared opposition to the authority of the Government of Fort St. George, upon "principles most manifestly seditious, but in accepting, as he does not deny he did, "a pension given to him by officers, on those principles, was guilty of factious dis-"respect, insubordination, and hostility to the Government of Fort St. George, as "declared in the Court's Military Letter of 29th September 1809, whereby they "did on those grounds suspend him from the service, after having removed, in "their Letter of the 15th September 1809, the suspension passed on him by the "Government of Fort George."

The previous Question being then moved upon the above-mentioned Motion;

And a very lengthened debate taking place thereupon;

It was moved,

"That the further consideration of the foregoing Motion be adjourned to Friday "next at twelve o'clock."

And the same being put, it passed in the affirmative.

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Proceedings respecting Lieutenant Col[l] Boles.

AT a Court of Directors, held on Friday, the 14th December 1810.

THE Court now, pursuant to their adjournment of last Court of the 12th instant, resuming the consideration of the Motion then made respecting Major Boles,

A further debate of very considerable length ensued; when

The previous Question upon the foregoing Motion, which had been moved on the 12th instant, being now put by the ballot;

And the votes thereon appearing to be equal;

The Treasurer was called into Court, pursuant to the directions contained in the Company's Charter, and drew that lot which determined the question in the affirmative.

A Motion to adjourn was then made;

And the same being put by the ballot,

It passed in the negative.

The main Question being now put by the ballot; viz.

" That Major Thomas Boles, late Deputy Adjutant General on the Madras " Eſtablishment, in the manner of preparing and circulating to the different Sta- " tions of the Army, transcripts of the General Order of Lieut. General Mac- " dowall, dated the 28th January 1809, and in not only entertaining a public " Address to him from a combination of officers of the Madras Army, written in " declared oppoſition to the authority of the Government of Fort St. George, upon " principles most manifestly seditious, but in accepting, as he does not deny he " did, a pension given to him by officers on those principles, was guilty of factious " disrespect, insubordination, and hostility to the Government of Fort St. George, " as declared in the Court's Military Letter of the 29th September 1809, whereby they " did on those grounds suspend him from the service, after having removed, in " their Letter of 15th September 1809, the suspension passed on him by the " Government of Fort St. George;"

And the votes upon the said Question appearing to be equal;

The Treasurer was again called into Court, and drew that lot which determined the Queſtion in the negative.

AT a Court of Directors, held on Tuesday, the 8th January 1811,

THE Court again resuming the consideration of the cases of the suspended Madras officers;

It was moved,

" That the Papers connected with the case of Lieut. Colonel the Honourable " A. St. Leger, be now read;"

Whereupon it was moved to amend the said Motion, by leaving out all the words after the word "That" in order to introduce in lieu thereof, the words,

" It is due to juſtice, which muſt be the baſis of all permanent and beneficial Le- " giſlation, to finish the decision of the Court upon the case of Major Boles, upon " the restoration of whom to, or removal from the service, the Court is equally " divided, before the Court proceeds to the consideration of the cases of the other " suspended officers, and that this determination is equally consonant with policy, " as it is with juſtice; that this mode of proceeding is the more proper as rebellion " has been put down, all the above officers are already suspended from the service, " and are also condemned by the Resolution of the Court of the 5th December " 1809, though this hasty condemnation is in direct opposition to the Standing

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" Order of the Court of the 31ſt March 1795; and which Resolution of the " 5th December muſt be firſt revoked, before any further measures can take place " in these cases, according to the necessity to be preserved in all public assemblies; " and it also seems reasonable, now the late rebellion has been quelled, to consi- " der what circumſtances may be supposed to have led to it."

And Minutes of Court of the 5th December 1809; also,

The Standing Order of Court of the 31ſt 1795, being read,

The question was put, " That the words proposed to be left out, stand part of " the question."

And the same being put by the ballot;

It passed in the negative.

It was then moved, " That the proposed Amendment stand part of the Queſtion;"

And it being put by the ballot, it passed in the negative.

The following Motion was then made; viz.

" That Major Boles be reſtored to the Company's service; that he be not allowed to " return to India till, in the opinion of the Court of Directors, the situation of " affairs at Madras shall be such as to render his return in all respects proper; " and that he be reprimanded for the intemperate expressions which are contained " in his last Memorial."

Whereupon it was moved to amend the said Motion, by leaving out all the words after the word " That," in order to substitute the following; viz.

" After the fullest consideration that can be given to the case of Major Boles, the " suspension of this officer from the service be continued until the 31ſt January " 1812; and that if the Court of Directors shall then be satisfied that the officers " of the Madras Army are restored to that state of subordination and discipline, " which may make it consistent with the good of the Service to allow Major Boles to " return to India, he be then permitted to do so, and with his Rank in the Service, " but that he be at all times considered ineligible to be again employed in the Ad- " jutant General's Office; and further, that prior to his eventual return to India, he " be reprimanded in writing by the Court, for the intemperate style of his laſt " Memorial to the Court."

The Queſtion was then put by the ballot, " That the words proposed to be left out, " stand part of the said Question;"

And the votes thereon appearing to be equal;

The Treasurer was called into Court, pursuant to the directions in the Company's Charter, and drew that lot which decided it in the affirmative.

The main Question being then put by ballot; viz.

" That Major Boles be restored to the Company's Service; that he be not al- " lowed to return to India till, in the opinion of the Court of Directors, the situa- " tion of affairs at Madras shall be such as to render his return in all respects " proper; and that he be reprimanded for the intemperate expressions which are " contained in his last Memorial."

The Votes appeared to be equal;

Upon which the Treasurer was again called into Court, and drew that lot which decided the question in the negative.

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AT a Court of Directors, held on Tuesday, the 5th December 1809;

It was on a Motion,

RESOLVED by the Ballot, That the Court having conformably to the intention expressed in the Military Letter of 29th September last, to Fort St. George, resumed the consideration of the case of certain officers suspended from the service by that Government, on the grounds stated in their Secret Letter of 13th May 1809, are of opinion,

That the offences with which those officers are charged are of the most dangerous and criminal nature, subversive of all legitimate authority, and ought always to receive the severest punishment which the Court of Directors can inflict, since lenity in such a case to individuals would prove most detrimental and pernicious to the general interest of the Army, the Indian Governments, and the Nation:

That in the circumstances in which the Government of Fort St. George were placed, and under the conviction they had from evidences before them, the measures they adopted with respect to those officers, were proper and necessary:

That those evidences, so far as they are brought before the Court, do appear clearly to establish the guilt of the different parties to whom they related, and to shew them worthy of dismission. That it is therefore proper to proceed to the act of Dismission; and that agreeably to the standing rule of the service, which requires notice of a Motion of dismission, the Court do on a future day proceed to the said act, namely, the dismission of Lieut. Colonel St. Leger, Major de Morgan, Captain Marshall, Captain Grant, and Lieut. Colonel Martin; and in the mean time that Lieut. Colonel Martin, now at home, who was equally implicated, and upon the same evidence in the offence for which Captain Marshall was suspended, who would have been suspended in like manner had he been in India, and whom the Fort St. George Government recommend it to the Court to dismiss with the other officers, be, until the final consideration of their case comes on, suspended, as they are, from the Company's service.

AT a Court of Directors, held on Tuesday, the 31st March 1795.

On several Motions,

Resolved, That before any civil or military servant of the Company shall be dismissed the service, notice of the proposed dismission be given to the Court a week at least before the same shall take place.

AT a Court of Directors, held on Tuesday, the 5th February 1811.

THE Chairman acquainted the Court, That it was specially summoned to take into further consideration the cases of the suspended Madras officers.

The following Motion was then made; viz.

"The Court having resumed the consideration of the case of Major Boles, and "having adverted to the circumstance of the Court being equally divided upon the "subject of the guilt or innocence of this officer, deem it right to lean to the favour- "able side of the question, and therefore resolve that his suspension from the "service be removed; but, as they consider his conduct in some particulars to be "not free from blame, they are of opinion that he should not be permitted to return "to India till the pleasure of the Court of Directors shall be signified to him to "this effect."

And the Question thereon being put by the ballot;

The same passed in the affirmative.

A clause for the general letter to Fort St. George, prepared in consequence of the foregoing Motion, was read and approved.

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Extract of a Letter from the Court of Directors to the Governor and Council at Fort St. George, in the Military Department; dated 22d Feb. 1809.

12.—HAVING deemed it proper, before we enter into a detailed review of the circumstances attending the case of each individual officer, whose suspension from the service was announced in your letter to the Secret Committee of the 13th May 1809, and of Lieut. Colonel Martin, to come to some decision upon the case of Major Boles, we shall now proceed to state to you our opinion upon it.

13.—After an attentive perusal of all the documents which you have transmitted to us, and paying due attention also to the further explanations which have been given by Major Boles, we are compelled to declare, that the impression conveyed to us by your original statement of the reasons which induced you to suspend that officer, and the Adjutant General, from our service, and which impression we described in general terms in our letter to you of the 15th September 1809, has not been removed, and accordingly we still think that those officers ought not to have been suspended; we must also state, that when in our letter to you of the 29th September 1809, we confirmed the suspension of Major Boles, we came to that resolution, on the authority of Sir George Barlow's Minute of the 1st May 1809, and Major General Gowdie's circular letter of the which is referred to in that Minute; and considering the difficult and dangerous situation in which your Government was then placed, we thought it our duty to discountenance, by a strong mark of our displeasure, any conduct which appeared at that critical period to encourage discontent, and to weaken our authority, reserving to ourselves, of course, the ultimate decision respecting the future situation of Major Boles till the receipt of further information.

14.—It appears that you suspended Major Boles from the service, because, having authenticated by his signature, and circulated to the Army in his official capacity, an order from his commanding officer Lieutenant General Macdowall, which you considered to be an *illegal* order, and to which therefore, in your estimation, Major Boles did not owe obedience, you viewed him in the light of an accomplice with Lieutenant General Macdowall in his attempt to insult the Government, and resist its authority.

15.—It is not necessary for us on the present occasion to discuss the propriety of Lieutenant General Macdowall's conduct in taking measures to bring the Quartermaster General to trial before a Court Martial, and in issuing the order of the 28th January 1809.

16.—Our opinion on those points has already been stated to you in our letter of the 15th September in that year; and we see no reason to depart from it. We consider the order to have been a flagrant abuse of his authority, and violation of his duty; but we cannot discover in it any such inherent and obvious *illegality* as could justify the Adjutant or Deputy Adjutant General in refusing to obey the command they had received from Lieutenant General Macdowall, that the said order should be circulated to the Army. We do not mean to dispute that cases *may* occur in which an inferior officer would be justified in declining to obey an order of his superior; but those cases are very rare, and must be strong indeed which can warrant the former in taking upon himself the severe and perilous responsibility of judging the acts of his superior, and debating with himself whether he will yield obedience to the orders of that superior; and though we concur entirely in most of the principles inculcated in the very able letter which the Governor General in Council addressed to you on the 27th May 1809, we cannot by any means coincide in all the sentiments expressed in that letter on the subject which we are now discussing. It is equally impossible for us to concur in the opinion of the Judge Advocate General on the same subject; and we have not been convinced by the numerous legal authorities which he has cited in support of his doctrine as applicable to the case now under consideration: we therefore continue of opinion, that Major Boles ought not to have been suspended from the service, although it might have been proper to remove from so confidential a situation a person in whom, consistently with the opinions you entertained respecting his conduct, you could no longer place your confidence.

17.—Having

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17.—Having thus ſtated to you the reasons which induced us to think that you ought not to have suspended Major Boles from the service, we ſhall next advert to your proceedings in regard to him subsequently to his suspension; we allude particularly to Major General Gowdie's communication with him, and your refusal to permit his proceeding to England on the Luſhington.

18.—Thinking that Major Boles did not act culpably in being merely the miniſterial inſtrument of circulating the General Order of the 28th January, in obedience to the commands which he received to that effect, we muſt confeſs that we are not surprised at his having declined to apologize for his conduct on that occasion in any manner which might imply an admission that he was conscious of its criminality; and we consider his explanation on that part of the subject to be satisfactory.

19.—Major Boles has complained of your refusal to allow of his proceeding to England in the Luſhington; you probably had some ſtrong reason for that determination on your part; but you do not assign any special cause, except the nature of the service on which that ſhip was to be employed. We are not aware, however, that there could have been any objection to his being allowed to take his passage in the Luſhington; and we think this refusal imposed upon him an unnecessary hardſhip.

20.—It only remains to us now to advert to the conduct of Major Boles himself, subsequently to the period of his suspension.

21.—It would have been very satisfactory to us if with the view which we have taken of this case, we could have expressed our sense of the propriety of his subsequent conduct; but though the account which he has given of his behaviour previously to his departure from India removed from our minds the impression that he had become, with his own consent, one of the rallying points for systematic resistance, we are compelled to notice, with considerable disapprobation, other prominent circumſtances in his case.

22.—It is almoſt unnecessary for us to declare our entire concurrence in the sentiments contained in Sir George Barlow's Minute of the 1ſt May 1809, with reference to the address to Major Boles, and the criminality of any military combination with a view to controul and censure the acts of the Government, and to give a general indemnity to those persons whose conduct, in the opinion of that Government, may be deserving of puniſhment. It makes no difference, in our eſtimation, whether the conduct of the Government has or has not been such as we can entirely approve. They are responsible only to us for their actions, and we feel it to be our bounden duty to uphold their legitimate authority. If any one of our servants conceives himself aggrieved by an act of the Government, in which he is personally intereſted, we are at all times ready to afford redress when the circumſtance of the case appear to us to require it; but the case muſt reſt on its own merits, and any attempt to ſtrengthen it by military combination muſt be decidedly reſiſted.

23.—It does not appear from any of your proceedings that Major Boles took any part in promoting the address and subscription in his favour, and in a Memorial which he addressed to us on the 19th November laſt, he positively denies any such interference. Admitting the truth of this ſtatement (and we see no reason to doubt it) he certainly is not responsible for the criminality of that proceeding in others; and if the whole of his conduct had been regulated by the same unqualified forbearance, he would have been entitled to the full benefit of it when his case came finally to be decided. In the Memorial, however, there is no denial of his having accepted the subscription; on the contrary, we presume from the ſtatement contained in it, that he has actually enjoyed the benefit of that moſt unmilitary proceeding.

24.—We cannot suppose it possible that our meaning can be so far misunderſtood as that we condemn, or would be disposed to censure in the slighteſt degree, every pecuniary assiſtance which individual officers may be inclined to afford to a brother officer in circumſtances of embarrassment and misfortune; but when that assiſtance is offered and accepted on such principles, and from such motives as were publicly promulgated in a paper so reprehensible as the address to Major Boles, the person consenting to receive it makes himself in a great degree a party to the act.

25.—We

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25.—We have already referred to Major Boles's Memorial of the 19th November laſt, and we have allowed him the full benefit of every thing contained in it, but there are several passages in that paper which it has been impossible for us to peruse without considerable dissatisfaction; and we regret, that in pleading his own cause, Major Boles ſhould have thought himself at liberty to advert in offensive terms to the conduct, of not only his superior officer Major General Gowdie, but also of the Governor General. We cannot admit that there exiſted the leaſt necessity for his adopting language of that description, and his conduct in that particular has contributed to produce an unfavourable impression on our minds.

26.—Having thus explained to you the view which we have taken of Major Boles's Case, we have now to signify to you, that we have Resolved, that his suspenpension from the service, imposed by our letter of the 29th September 1809, be removed; but he is not to be permitted to return to India till he ſhall have received our special permission so to do.

No. 7.

Copies of the several TRIALS, by Courts Martials, held in the East Indies, in the year 1810, upon Lieut. Colonel JOHN BELL, Lieut. Colonel DOVETON, and Major STOREY :—Together with, all General ORDERS of The Government of *Fort St. George*, The Commander in Chief, and The Supreme Government; relating to the same Trials.

(1.) No. 7.

PROCEEDINGS of a General Court Martial, held at Bangalore, on the Trial of Lieutenant Colonel *John Bell*, of the Madras Artillery.—Published by Order of Government.—Madras, printed at the Government Press. 1810.

(1.) TRIAL of Lieut. Col. BELL.

AT a General Court Martial, held in Bangalore, on the 1st day of November, in the year of our Lord 1809; by virtue of a Warrant from Major General *Gowdie*, Commanding in Chief the Forces serving under the Presidency of Fort St. George;

President; Major General WARDE, H. M. 1st Foot Guards.

Members.			Members.
Lt. Col. Strange,	12th Reg. N. I.	Lt. Col. Adams,	H. M. 25th L. D.
- - - Lang,	11th Reg. N. I.	- - - Fletcher,	21st Reg. N. I.
- - - Webber,	7th Reg. N. I.	- - - Clarges,	H. M. 69th.
- - - Ogg,	15th Reg. N. I.	Major M'Leod,	H. M. 59th.
- - - M'Leod,	H. M. 69th.	- - Colebrooke,	8th Reg. N. I.
- - - Wilson,	5th Reg. N. I.	- - Carden,	H. M. 25th.
- - - Skinner,	H. M. 56th.	- - Maxwell,	H. M. 30th.
- - - Lockhart,	H. M. 30th.	- - Grant,	24th Reg. N. I.
- - - Bowness,	25th Reg. N. I.		

Lieut. ORMSBY, Judge Advocate.

THE General Orders of the 30th September, directing the General Court Martial to assemble on the 20th of October, and that of the 15th October, postponing it till the 1st of November;—are read.

The Court being assembled agreeable to the General Orders of the 15th October, the Warrants constituting their authority, are read:

Lieutenant Colonel JOHN BELL of the Madras Artillery, a prisoner, being brought into Court, the names of the President and Members are first read over to him;—and he is asked the following Questions:

Judge Advocate:—Do you object to any of the Members composing the Court, by which you are about to be tried?—I object to Lieutenant Colonel Adams, for

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the following reasons: IN the first place, that Officer is summoned as a material Witness on the part of the Prosecution. It is not contended, that where a question of fact incidentally arises on a trial, which lies within the knowledge of one of the Members of the Court, that the mere circumstance of his being a Member, disqualifies him from being a witness: But this rule cannot be extended to principal or leading witnesses without infinite inconvenience. Rendering all homage to the impartiality and honour of Lieutenant Colonel Adams, yet being a witness, of whose testimony the credibility is to be determined by the greater or less degree of corroboration it receives from other witnesses on the part of the Prosecution, there must, from the infirmity of the human mind, be a slight bias in his feelings, that may incline him to believe the evidence which supports his own, rather than that which controverts or contradicts it. In the second place, the prisoner proposes his objection to Lieutenant Colonel Adams, on the ground of his having been actively employed in the unhappy affair of the 11th of August, and this objection, he proposes, rather as an appeal to the delicacy of that Officer, than as any doubt of his honour and his rectitude. If Lieutenant Colonel Adams does not admit the force of it, the prisoner consents to withdraw it.

The Court is cleared.

The Court having considered the above Objection, have admitted the validity of it; and, on its being opened, Lieutenant Colonel Adams is directed to withdraw.

Judge Advocate:—Do you object to any other Member?—I object to Major Carden, on the above grounds.

The Court is again closed; and on taking into consideration the objection, are of opinion that the grounds are sufficient; and the Court being opened, Major Carden is directed to withdraw.

The prisoner declining any further challenge;

The President, Members, and Deputy Judge Advocate, are duly sworn, agreeable to the Rules and Articles of War for the better government of the Honourable Company's Forces.

In consequence of three Members, Lieutenant Colonel Wilson, Majors Maxwell and Grant, not being present, the Court think proper to adjourn till Monday morning the 6th of November, at 10 o'clock.

Monday, the 6th day of November 1809.

THE Court met pursuant to adjournment.

All Members present as on the 1st of the month, as well as Lieutenant Colonel Wilson and Major Grant.

The Prisoner is asked, Whether he has any objection to Lieutenant Colonel Wilson and Major Grant sitting as Members of his Court Martial? to which he replies, He has not.

Those two Members are accordingly sworn.

The Court is cleared; and on being opened, the following is recorded:

> The Judge Advocate having stated it to be his opinion, That the Court is not competent to proceed upon the Trial, until the whole of the Members shall be present, and Major Maxwell, a Member, not being arrived, and no account having been received of the cause of Major Maxwell's absence; the Court adjourns till Thursday next the 9th of November, at 10 o'clock.

Thursday, the 9th day of November 1809.

THE Court met pursuant to adjournment.

Members all present as on last day.

The Judge Advocate informs the Court, that Major Maxwell is not yet arrived.

The Court is cleared; and the Court having considered the Objection as made on a former day by the Judge Advocate, have determined, that as Major Maxwell has

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has not arrived, and in consideration of the situation of the Prisoner, to over-rule that opinion, and to proceed upon the Trial.

The Court is opened, and the above read to the prisoner.

CHARGE:—"Lieutenant Colonel *John Bell*, of the Madras Artillery, and late commanding the Fort and Garrison of Seringapatam, charged by the officer commanding the Army with having, in subversion of all good order and military discipline, and in violation of the Rules and Articles of War for the better government of the Company's Forces, joined in and headed a most dangerous and alarming Mutiny and Sedition, which took place in the said garrison, on and betwixt the 30th day of July last, and 23d of August following; during which period the garrison fired on the troops of His Majesty and those of the Company, and their Ally the Rajah of Mysore, and seized on the public Treasury; and he Lieut. Colonel John Bell declared his resolution not to deliver up the fort and garrison to the proper Authorities."

"By order of Major General Gowdie commanding the Army.

(Signed) *T. H. S. Conway*, Adj. Gen. of the Army."

Fort St. George,
October 9, 1809.

Judge Advocate:—How say you, Lieut. Colonel *John Bell*, are you Guilty, or Not Guilty?—*Answer*: Not Guilty.

The Deputy Judge Advocate opens the Prosecution.

Mr. President, and Gentlemen of the Court Martial,

YOU are now met to investigate into Charges of a nature, which, if we consider the rank and character of the Parties implicated, are the most unprecedented and extraordinary that ever came before a Military Tribunal in this country. The events connected with these Charges are too recent to require a statement that will take up much of your time at this early stage of the proceedings: Gentlemen, the Charge against the prisoner, is for joining in and heading a most dangerous and alarming Mutiny and Sedition within the Garrison of Seringapatam; and it becomes my duty to state in a few words the nature of that Mutiny. For some time previous to the date specified in the Charges, a spirit of combination against the constituted Authorities of the Government of Fort St. George, existed throughout the Army of this Presidency; at length, measures of open defiance and resistance to Orders of the simplest military arrangements, were adopted; when it became an object for the Government to ascertain what officers were uncontaminated by the too general spirit of disobedience which had been manifested; and the Honourable the Governor in Council directed a certain Test or Pledge of Obedience to be presented by officers commanding divisions, to the several officers under their command, and in case of refusal, the officers were to retire from their military functions, thus leaving it optional whether they would act up to the letter of their Commissions, or secede from the performance of military duties on the pay of their respective ranks. Agreeable to the above instructions, Lieutenant Colonel Davis, the officer commanding the troops in Mysore, on the 29th of July, repaired to the Fort of Seringapatam, the garrison of which consisted, I understand, of 120 rank and file of His Majesty's 80th Regiment, a large proportion of artillery, the 2d battalion 15th Regiment commanded by Lieutenant Colonel Robert Munro, the 2d battalion 19th Regiment commanded by Major D. C. Kenny, several Staff Officers; and the prisoner Lieut. Colonel Bell was senior officer of the whole. On the morning of the 30th Lieutenant Colonel Davis directed the Assistant Adjutant General to order Lieutenant Colonel Bell to assemble the officers of the garrison, and wait upon him immediately. You will hear, Gentlemen, from the Assistant Adjutant General, whether that prompt obedience which should mark the conduct of an officer in every situation, but more especially in that of the prisoner's, was paid to this Order; I rather imagine, you will be told that the prisoner disobeyed that Order, as well as the officers of one battalion, the 2d battalion 19th Regiment; however, a number were assembled, and the Orders of Government read to them. Instead of an acquiescence with the terms contained in those Orders, a resolution was formed of detaining Lieutenant Colonel Davis as a prisoner, and this was soon carried into effect. The particulars of what occurred on this occasion, will be fully explained by several respectable evidences, and from this period may be dated the existence of a Mutiny among the troops in that garrison, which lasted till the 23d of August; and it will be your province, Gentlemen, to determine

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from the facts which I shall lay before you, whether the prisoner did at any time within those dates join in or head that Mutiny. On the 31st, Lieutenant Colonel Davis addressed a Letter to Lieutenant Colonel Bell, enclosing the Test for the officers' acceptance and signature; the enclosure was taken out, and the Letter returned without the seal having been broke, the prisoner, as will appear by his own note, declining to open any public communication. On the night of the 1st of August, a detail, consisting of near 300 men and 2 guns, was detached from the fort, for the purpose of seizing a supply of 30,000 Pagodas of money, on its route to the Paymaster from the Ceded Provinces, in which they succeeded. The Paymaster's treasure in the fort, about 11,000 Pagodas, had also in the course of the preceding day been forcibly seized on, agreeable to the orders of Lieutenant Colonel Bell, as will appear by a Letter addressed to the Paymaster Mr. Smith, who will be called to substantiate this fact; and I shall call other witnesses as well as Mr. Smith, to several circumstances of a mutinous nature, who will shew how far the prisoner was implicated at the commencement of these extraordinary proceedings. On the 2d of August 500 men, with a proportion of artillery, were detached to some distance into the Mysore country, for the purpose, as I understand, of meeting a force that was expected from Chittledroog, but as they could hear no tidings of it, the detachment returned on the 4th to Seringapatam. Lieutenant Adamson, an officer of His Majesty's 80th Regiment, who met them on their return, will appear before the Court to speak to this point, as well as the circumstance connected with the march from the fort of those men of the 80th Regiment who formed a part of the garrison, and the orders he received on the occasion. When the officer commanding in Mysore, and the acting British Resident the Honourable Mr. Cole heard that measures, which they could not but consider as insulting to their authority, as they were hostile to the Government of the Country, had been adopted by the officers of the garrison, they conjointly addressed a Letter to them, an authentic copy of which I shall lay before you, calling upon the officers to accede to the terms of Government which had been offered to them; and pointing out to those officers, that if they persevered in such a system of hostility, the whole resources of the Mysore Government, and their united power, would be exerted to reduce them to a state of subordination to the legal and constituted Authorities; this Letter was addressed to Lieutenant Colonel Bell and the officers of the garrison, and if I mistake not, it will appear in evidence, that the prisoner read and knew the contents of it. On this day, the 3d of August, Lieutenant Colonel Bell sent out to Lieutenant Colonel Davis the Pledge of Obedience to the Government of Fort St. George, (signed by himself,) which I shall produce, as well as a copy of Lieutenant Colonel Davis's reply, expressive of the satisfaction he felt on learning that the prisoner retained a proper sense of the duty he owed to the Government under which he served: we shall see by his subsequent conduct, whether he acted up to the solemn assurance he had thus given. On the 6th of August he addressed a Letter, of a very extraordinary and mysterious nature, to Lieutenant Colonel Davis, in which he affects to consider the Fortress of Seringapatam as in danger from an attack by the Mysore Government; and that as he was in possession of the fort and Island, it became his duty to his King and Country not to deliver them up but to legal authority. The prisoner at the same time he wrote the Letter I have now alluded to, addressed one to Poornea the Dewan, complaining of his preventing provisions from passing into Seringapatam, and cautioning him against a continuance of such proceedings: to this Letter the Minister replied, by referring him to the British Resident, as the proper channel of communication with the Mysore Government. If the Prisoner had entertained any doubts as to the measures the Government of Mysore were adopting, and which had induced him to suppose an attack was meditated by that power on the Fort of Seringapatam, they surely must have ceased on the receipt of this Letter from the Minister, as it plainly indicated that he was acting in concert with the British Resident, and consequently complying with the instructions of the legal and established Government of the Country; but if the prisoner really saw the Letter of the 3d addressed to himself and the officers of the garrison, he could not for a moment have doubted the intentions with which those measures that he complained of were adopted. On the 8th, Lieutenant Colonel Bell addressed another Letter to the Dewan, threatening to seize whatever property was in the fort, belonging either to the Rajah or the Dewan, if the latter did not desist from a line of conduct which the prisoner thought insulting to the British Government and the Honourable Company, although the Minister was acting in concert with that very Government, for whose

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honour Lieutenant Colonel Bell seemed so anxious, and as a means of preserving that honour, was retaining forcible possession of a fortress which had but a few years since been rescued, at a great expense of blood and treasure, from the dominion of an implacable foe. The prisoner also addressed a Letter to Lieutenant Colonel Davies on that day, expressive of his determination to keep possession of the fort, which together with the former and the Dewan's reply thereto I shall produce to the Court. On the 9th, Lieutenant Colonel Bell addressed a Letter to the Right Honourable the Governor General, explanatory of his conduct, and forwarding copies of all the Letters above alluded to. On the 10th, Lieutenant Colonel Gibbs arrived in the vicinity of Seringapatam with the 59th Regiment, 25th Light Dragoons, the 5th Regiment Native Cavalry, and 1ft battalion 3d Regiment N. I. and took up a position near one of the principal fords, where he remained during that day. On the morning of the 11th, Lieutenant-Colonel Gibbs received information that two corps were approaching from Chittledroog towards the fort; he immediately made his arrangements to counteract their known object of getting into the fort, and part of the troops under his command were fired at by the garrison. The circumstances which followed on that day within view of the fortress, are so particularly detailed in Lieutenant Colonel Bell's Letter of the 12th, and others of a later date addressed to the Right Honourable the Governor General, which will be hereafter laid before the Court, that I shall only now slightly advert to them. It will suffice to tell you, Gentlemen, that two battalions of Native Infantry in concert with, it is presumed, the general plan of operations to be observed by the Garrison of Seringapatam, marched from Chittledroog for the purpose of getting into the former place; and as it was a desirable object to prevent such an accession of strength being thrown into the fort, the acting Resident at the Court of Mysore directed the Silledar Horse of that Government to be sent in advance towards Chittledroog, with orders to oblige those corps to desist from their intention. The officers commanding these battalions, Captains M'Intosh and Aiskill, were early apprized that they would meet with opposition, but nothing could induce them to return to their station, and on their near approach to the fort, the sword was drawn, and dreadful to relate, the troops of His Majesty, of the Honourable Company, and of their Ally the Rajah of Mysore, were forced to oppose those two battalions, of whom many were killed and wounded, but the major part succeeded in their object. Lieutenant Colonel Gibbs resumed his position, from whence about half past 12 o'clock at night he was obliged to move, in consequence of some shells being thrown into his camp from the fort: this latter act, which forms a principal feature of the Charges againſt the prisoner, will be fully established, not only by his own Letter addressed to the Governor General, acknowledging it, but by the testimony of several respectable officers. On the 13th, a Flag of Truce was sent into the fort by Lieutenant Colonel Davis, agreeable to a request to that effect, made previously by the officers in the fort. Lieutenant Grove of His Majesty's 80th Regiment, who carried the Flag of Truce, is the evidence I shall adduce to substantiate whatever took place between him and Lieutenant Colonel Bell. In consequence of a request from Lieutenant Colonel Bell on the morning of the 14th, two officers, Lieutenant Colonels Gibbs and Adams, repaired to a place agreed on, to meet Lieutenant Colonel R. Munro and Captain De Havilland. The result of that conference did not, I understand, bring things nearer to a settlement; and you will hear from the before-mentioned officers, that the prisoner did declare his resolution not to deliver up the fort and garrison to the proper Authorities. The place was strictly blockaded, and all supplies cut off from the garrison. On the 15th and 17th of Auguſt, the prisoner addressed two Letters to the Right Honourable the Governor General, upon which I shall not now make any comment, as they, together with their enclosures, will be submitted for your consideration. Affairs remained in this state until the 21st, on which day the Honourable Mr. Cole sent into the fort a Letter, which he had received from the British Resident at Hyderabad, stating that the officers of the Hyderabad Subsidiary Force, had signed the Test of Obedience to the Government of Fort St. George. On receipt of this Letter, Captains De Havilland and Cadell were sent out of the fort with a Flag of Truce to Lieutenant Colonel Davis, and in consequence hostilities ceased on that night. On the 22d, Lieutenant Colonel Bell forwarded to Lieutenant Colonel Davis a similar Test signed by the officers of the garrison under his command; and in obedience to the orders of Lieutenant Colonel Davis, the troops moved out at day-light on the morning of the 23d, leaving their arms piled upon the ground.

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I have now, Gentlemen, in as concise a manner as in my power, detailed to you the leading features of the Mutiny, as well as the several points which are to be established on the part of the Prosecution; and I shall not further detain you, but proceed to the examination of the several Evidences: the first which perhaps ought to be called, is Lieutenant Colonel Davis. I am sorry to say, that Officer has forwarded me a Declaration on oath, by two Surgeons, of his inability, from severe ill health, to attend. I have conceived it necessary to state this to the Court, as Lieutenant Colonel Davis might be considered as an Evidence whose testimony could not properly be dispensed with; but as the officers of his Staff, who are acquainted with every particular, are in attendance, I hope, on the part of the Crown, to be able to dispense with his testimony. The first Witness therefore that I shall call, is Captain Webster, Assistant Adjutant General.

Captain WEBSTER, Assistant Adjutant General to the Troops in Mysore, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you Assistant Adjutant General to the troops in Mysore on the 30th of July last?—I was.

Do you know who was in command of the Garrison of Seringapatam on that day?—Yes, Lieutenant Colonel Bell.

Did you accompany Lieutenant Colonel Davis, commanding officer of the troops in Mysore, to Seringapatam, on or about the 30th of July?—On the 29th of July, I did.

Will you state to the Court any orders you communicated, either by writing or verbally, from Lieut. Colonel Davis to Lieut. Colonel Bell, on the 30th of July?—On the 30th of July I wrote a Letter to Lieut. Colonel Bell, by order of Lieutenant Colonel Davis, communicating his desire that he would convene the officers of the Company's Service in that garrison, and with them wait upon Lieutenant Colonel Davis.

Was that order obeyed, and how soon?—It was obeyed in part; some part of the officers waited upon Lieutenant Colonel Davis, Lieutenant Colonel Bell did not accompany the officers; the Letter was written about nine o'clock, and the officers that did attend, came about 12 o'clock.

It is my wish that the Evidence should now detail every thing he knows, relative to the Charge before the Court. State to the Court whatever you know which is in any way connected with the Charge. I have already stated, that Lieutenant Colonel Bell was desired to assemble the officers, and with them to wait upon Lieutenant Colonel Davis; and I have also already mentioned that the Letter communicating that desire, was written and sent about 9 o'clock: an answer to it was received almost immediately, in which Lieutenant Colonel Bell acknowledged the receipt, and said the officers should be assembled as soon as possible. About 10 o'clock, none of the officers having arrived, Lieutenant Colonel Davis directed me to wait upon Lieutenant Colonel Bell, and to inform him, that as his order for assembling the officers might have created some alarm in their minds regarding the cause of that summons, he would dispense with seeing them; Lieutenant Colonel Bell replied, that the officers were scattered over the fort, many of them lived at a distance, which was the occasion of the delay, but that several messengers or orderlies had been sent to collect them, and that they would soon be assembled and wait upon Lieutenant Colonel Davis. I returned to Lieutenant Colonel Davis with that reply, with which he seemed satisfied. I think an hour more had elapsed, when Lieutenant Colonel Davis again desired me to return to Lieutenant Colonel Bell, and again inform him that he dispensed with their attendance for the reason already assigned, and to add, that he desired they might not wait upon him. Lieutenant Colonel Bell replied, that the order was of that positive nature, or words to that effect, that he must insist upon Lieutenant Colonel Davis seeing the officers, observing, at the same time, that they were almost all assembled and ready to go.

Question by the Court:—At the time Lieutenant Colonel Davis desired you to say he dispensed with the attendance of the officers, did he say he dispensed with Lieutenant Colonel Bell's attendance?—There was no name mentioned.

Captain *Webster* continues.

Upon that, I observed to Lieut. Colonel Bell, that I believed Lieut. Colonel Davis expected him to wait upon him with the officers, to which he replied, he saw no occasion for that. At this time a considerable number of officers were collected, and had begun

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to move towards Lieutenant Colonel Davis's house. I accompanied them there, and on reaching the house announced their arrival to Lieutenant Colonel Davis. He desired they might come into his bed-room, which he was not able to leave, and addressed them. The conversationI cannot repeat word for word. He expressed to them his regret for the present posture of affairs, the state of the garrison, and admonished them to return to their duty; not to credit a report which they had heard, of his intention to make use o the troops of the Mysore Government for the purpose of seizing their persons, as tnat, he declared to them upon his honour, was not the case. They requested he would inform them, whether or not he had received orders from Government to seize their persons, and separate them from their men, (alluding to the Company's officers of course.) He declined making known to them the orders he had received from Government, but pledged his word to them that no steps should be taken in the execution of whatever orders he might have received, without previously communicating to them his intention of doing so. A good deal of conversation passed between Lieutenant Colonel Davis and the officers, on the subject of reports which they had heard of the intention of Government to use under-hand or secret means of separating them from their men; and they the officers expatiated fully on the injurious consequences of such a step. Lieut. Colonel Davis again assured them, that he neither had intentions of his own, or instructions to use secret means of separating them from their men. The officers frequently urged to Lieutenant Colonel Davis the necessity there was for his remaining in the garrison, stating, that his presence would give confidence to them in the sincerity of his assurances, or words to that effect; and that his presence was also necessary to remove the alarm in the minds of the officers, which the various reports they had heard had created. They also mentioned, that his presence would ensure the tranquillity of the garrison. Lieutenant Colonel Davis observed, that from every thing he could judge from, it did not appear to him that his orders were likely to be obeyed, or that his presence could be of any use; but that since they were so urgent in their request, he desired they would state the number of days they thought his presence would be necessary; and that any moderate request he would comply with. They then stated, that as he had promised to forward their address of yesterday to Government, they hoped it would not be inconvenient for him to remain with them until a reply was received. I do not remember the reply Lieutenant Colonel Davis made to that request, but in subsequent conversation the officers urged so strongly the necessity of his remaining, as led him to understand that he could not be permitted to depart. With this impression on Lieutenant Colonel Davis's mind, the officers left the room. Before they had left the house, Lieutenant Colonel Davis desired me to call them back again, observing to me, as it was evident we were prisoners, it might have some effect towards our enlargement, to communicate the Orders of Government respecting the Test of Obedience required from the Company's officers; on the return of the officers to the room, Lieutenant Colonel Davis desired me to read to them that part of the Government Instructions above alluded to, and the Test; this was done accordingly; and upon hearing the Instructions and the Test read, the officers returned their thanks to Lieutenant Colonel Davis for having communicated them. Lieutenant Colonel Munro, who was the senior officer present, requested, in the name of the officers of the garrison, that he might be permitted to take home with him the papers I had just read for his and their consideration: this request was complied with, and I delivered the papers to him. The officers, on leaving the room, were loud in their expression of thanks to Lieutenant Colonel Davis, for the moderate, friendly part he had acted towards them. About half past 3 o'clock, Lieutenant Colonel Davis received a private Letter from Lieutenant Colonel Bell, stating that, as in the conversation with the officers he Lieutenant Colonel Davis had expressed his fears (or something of that nature,) that his orders would not be obeyed in the garrison, he Lieutenant Colonel Bell begged leave to assure him, that any orders from him that did not affect the safety of the Company's officers would be fully obeyed; and that whatever the conduct of the officers might be on this occasion, they begged to assure him of their unalterable esteem and regard. Previous to the receipt of this Letter, I had addressed a Letter to Lieutenant Colonel Bell, by order of Lieutenant Colonel Davis, stating, that as it had come to his knowledge, that orders had been given for no officers to be permitted to pass the gates without authority from him, and as it was his Lieutenant Colonel Davis's intention to proceed immediately to Mysore; he desired orders might be given to the guard, to allow him and his Staff to pass the gate without any opposition. To this no answer was received, but about half an hour afterwards, the Town Major came to the house

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where Lieutenant Colonel Davis and myself were living, and requested to speak to me. I went out, and was informed by the Town Major, that an answer to my Letter was preparing, and that until it was received, Lieutenant Colonel Davis could not be permitted to leave the fort; that orders to that effect had been given to the guard, and that he was then going to repeat these orders to the guards; he further said, that Lieutenant Colonel Bell requested I would not leave the compound of the house. About four o'clock Lieutenant Colonel Munro waited upon Lieutenant Colonel Davis with a paper, which he stated contained the sentiments of the officers of the garrison: I think it was signed, as well as I recollect, by Colonels Bell and Munro, and Major Kenny. Being in possession only of a copy, which I cannot swear to, and having no immediate recollection of the contents of it; I cannot pretend to say what the contents of it were. Lieutenant Colonel Davis having perused the paper, desired Lieutenant Colonel Munro to inform Lieutenant Colonel Bell, and the other Members of the Committee, that he could not make any compromise of his authority, and desired him to get a direct answer to his desire to be permitted to leave the fort. About five o'clock Lieutenant Colonel Munro returned, and said he was desired by Lieutenant Colonel Bell to tell Lieutenant Colonel Davis, that he might save himself the trouble of leaving the house or of getting into his Palanqueen, I am not sure which, as he would not be permitted to pass the gates; at the same time Lieutenant Colonel Munro expressed his regret at being the bearer of so unpleasant a message. About sun-set Major Macdowall and Captain De Havilland waited upon Lieutenant Colonel Davis, and told him, that it was entirely a mistake his being detained, as it was not the intention of the officers of the garrison, or of the Committee, I am not sure which, to place any restraint upon his person, or on the persons of his Staff. They again urged how much it was the wish of the garrison that he should remain, and how necessary his presence was to the tranquillity of the garrison, and to relieve the minds of the officers. Lieutenant Colonel Davis told them, that his state of health was such as rendered it necessary he should proceed immediately to Mysore; and about half past six or seven o'clock, Lieutenant Colonel Davis left the garrison.

The Court adjourns till 10 o'clock to-morrow morning.

Friday, the 10th day of November 1809.

THE Court met pursuant to adjournment.

Members all present as yesterday.

Captain WEBSTER called into Court, and examined on his former oath.

Judge Advocate:—Did you report to Lieutenant Colonel Davis, that Lieutenant Colonel Bell was not coming to his quarters along with the officers of the garrison?—I did.

Did the officers of both the battalions of Native Infantry wait upon Lieutenant Colonel Davis?—As well as I could observe the officers that were there, there were none of the 2d battalion 19th Regiment.

Can you state, from your own knowledge, whether the 2d battalion 19th Regiment, or any part of it, got under arms during the time Lieutenant Colonel Davis was expecting the Officers?—No; I cannot.

Had you been in the Fort of Seringapatam for some time previous to the 29th of July?—Certainly, within four days.

Did you observe any difference in the state of the garrison on the 30th, from that which you had been in the habit of seeing formerly?—I had not an opportunity, not having left the house the greater part of that day, except on occasions of messages from Lieutenant Colonel Davis to Lieutenant Colonel Bell, as stated in evidence.

Did you return to Mysore on the evening of the 30th?—I did.

Did you observe any guns near to the gate through which you passed?—It was dark when I passed through, and my memory does not serve me whether I saw any guns or not.

Question from the Court:—Was it so dark, that if guns had been there, you might have passed without seeing them?—The night was very dark.

Question from the Prisoner:—Was not some agitation visible in the minds of the officers in the garrison of Seringapatam, on and previous to the 29th of July?—On the 29th there appeared to be; I did not observe it before.

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You may probably be aware, that in such times a Commanding Officer, who was anxious to preserve peace and discipline, must have had difficulties of no common nature imposed on him?—There can be no doubt of it, I think.

Were you sufficiently in the confidence of Lieutenant Colonel Davis, to swear, that the assembling of the officers on the occasion you mention, was not for the purpose of seizing them?—I think I was.

At least was not such a suspicion almost universal through the garrison?—I cannot answer what the opinions of the officers were, but that there was no room for such a suspicion, I am certain. Many officers did express their suspicion, and I assured them, there was no ground for it.

Did I not sign the Test of Obedience to the Government some days after Colonel Davis's requisition for the assembling of the officers?—I do not know.

Do you not know that the garrison was at that time under the influence of sentiments which rendered my authority ineffective?—No, I do not.

Did I ever refuse to concur with Lieutenant Colonel Davis, in any measure he might deem expedient for the restoration of quiet and subordination?—I have already stated that Lieutenant Colonel Bell declined waiting upon Lieutenant Colonel Davis when I told him; Lieutenant Colonel Davis expected he should accompany the officers, and in returning a public Letter sent to him by Lieutenant Colonel Davis on the 31st of July.

Did I not, by every means in my power, attempt to repress and prevent the meetings of officers amongst themselves?—I cannot say.

Do you not know, that orders were given, resolutions entered into, and every degree of authority exercised by the persons whom you styled the Committee?—No; I have no knowledge of that circumstance.

Was I a Member of that or any other Committee?—I do not know any further, than that, in the conversation between Lieutenant Colonel Davis and Lieutenant Colonel Munro, it fell from Lieutenant Colonel Munro, that Lieutenant Colonel Bell was a Member of the Committee.

Question from the Court:—Was there any obstacle to your leaving the house you were in, on the 30th of July, as often and when you pleased?—Not until about three o'clock, when the Town Major communicated to me what I have already mentioned.

Under whose authority did the Town Major deliver that order?—I have already stated, that it was delivered as a message from Lieutenant Colonel Bell.

Question from the Court:—After the communication of this order, were there any additional sentries posted over the house?—I am not certain whether it was after the communication of that order, but certainly either after or five minutes before, there were.

The Witness retires.

Lieutenant BEAUMONT, Assistant Quartermaster General to the troops in Mysore, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—You are, I believe, Assistant Quartermaster General of the troops in Mysore?—I am.

Did you accompany Lieutenant Colonel Davis, the officer commanding in Mysore, to Seringapatam, on the 29th of last July?—I did.

Did you remain in the garrison during any part of the following day?—Till about half past seven in the evening of the 30th.

Will you state to the Court whatever occurred within your knowledge on that day, which has reference to the Charge?—The first thing I recollect that happened in the morning was, Lieutenant Colonel Davis desired Captain Webster to write to Lieutenant Colonel Bell, to request a meeting of the Company's Officers at his house, I think at 10 o'clock. They did not arrive at that hour, nor for long afterwards. Lieutenant Colonel Davis desired Captain Webster to go to Lieutenant Colonel Bell, and say that there appeared to be a great deal of agitation in the fort; he would dispense with their attendance. When he came back, he said the Officers would be at Colonel Davis's house immediately. About 12 o'clock he desired Captain Webster to go, and say he would dispense with their attendance altogether. Captain Webster returned, and said the Officers would be at Colonel Davis's

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house immediately; very soon after that the officers of the Artillery and of the 2d. battalion 15th Regiment, and some other officers in garrison, arrived at Lieut. Colonel Davis's house. They were shewn into Lieutenant Colonel Davis's room; I did not go in with them. After they left the room, Colonel Davis sent to request they would come back again. When I went into the room with them, Captain Webster was desired to read an extract of a Letter from Government, and the Pledge, which he did. Lieutenant Colonel Davis told them, he would allow them till to-morrow to think of it, or words to that effect; and Lieutenant Colonel Munro requested leave to take away the papers, which was granted. After that the officers went away, and a few of them returned, to thank Colonel Davis for the handsome manner he had delivered them the paper. I think before Lieutenant Colonel Munro left the house, Lieutenant Colonel Davis asked him, whether he would come back and let him know if he had permission to quit the fort. Lieutenant Colonel Munro said he would. No answer having arrived between two and three o'clock, Lieutenant Colonel Davis desired Captain Webster to write to Lieutenant Colonel Bell, to know if he had permission to leave the fort, as he wished to go to Mysore at five o'clock, or some words to that effect, to which no answer was returned; shortly after Captain Cadell, the Town Major, came to the house, and said an answer was preparing, and requested neither Lieutenant Colonel Davis or his Staff would leave the compound of the house they were then in. This was reported to Lieutenant Colonel Davis and myself by Captain Webster. A little after three o'clock, Lieutenant Colonel Davis sent for Lieutenant Colonel Munro, and requested to speak with him; he came soon afterwards, and Lieutenant Colonel Davis asked him, whether it was decided if he was to be permitted to go to Mysore that evening or not. Lieutenant Colonel Munro replied, that Lieut. Colonel Bell and the Committee of Officers had not determined on it yet, but he would know very soon. Lieutenant Colonel Davis requested Lieutenant Colonel Munro to go to Lieutenant Colonel Bell, and tell him, that if he heard nothing to the contrary, he would set off at five o'clock for Mysore. About four o'clock Lieutenant Colonel Munro returned, and said he was desired by Lieutenant Colonel Bell, to tell Colonel Davis, that if he attempted to quit the garrison, he would be stopt, or words to that effect. Lieutenant Colonel Davis said, he was a prisoner to all intents and purposes, and requested, if the guard was meant as a guard of honour, it might be taken away: if it was meant as a guard of security, they might increase it as much as they pleased. But as he had been told he would not be permitted to go out of the fort, he would not attempt it, and requested the sentries might be withdrawn from his house, or some words to that effect. The guard was soon afterwards withdrawn from the house, and the sentries placed outside the gates of the compound. Between six and seven in the evening, Major M'Dowall, Captains De Havilland and Pearse, and Mr. Casamaijor, came to the house; and the two former asked for Colonel Davis. Captain De Havilland came up to me, and asked if the Colonel dined in the fort or at Mysore that evening. I told him I believed we were pretty snug where we were; shortly after those two officers saw Lieutenant Colonel Davis; and in a short time Lieutenant Colonel Davis told Captain Webster and myself, he had permission to go to Mysore, and we went out that evening after seven o'clock.

Did you, in the course of the day of the 30th, leave the house in which you were residing?—I did not go out of the compound.

Had you been in the Fort of Seringapatam for some time previous to the 29th of July?—I was in it on the 10th of July.

Did you observe any difference in the state of the garrison on the 30th of July, to that it was in on the 10th of July?—I observed a great difference in that part of the garrison which I saw: there were guns mounted on the works, and a number of guns placed near the Mysore gate in different directions.

Was any report made to you, for the information of Lieutenant Colonel Davis, by Lieutenant Colonel Bell, of the changes which had taken place?—None.

Were the troops which composed the Garrison, hutted in the fort or outside?—The Native Troops were always hutted outside.

Agreeable to order?—I fancy it was agreeable to orders. I am not certain.

Question from the Court:—By what person was the Letter, written by order of Lieutenant Colonel Davis to Lieutenant-Colonel Bell, requiring his permission to quit the fort, sent?—I do not know.

Was it customary for reports of any change in the garrison to be made through you

you to Lieutenant Colonel Davis?—Only with regard to the march or arrival of troops to and from the garrison.

Might not the alterations you mentioned with regard to the guns, have been merely accidental?—I think not.

You have mentioned an appearance of agitation among the officers, which induced Colonel Davis to wish to dispense with seeing them on the morning of the 30th of July; in what manner did this agitation discover itself?—The officers were a long time in arriving at Colonel Davis's house, and we saw a number of officers galloping past the house. The Witness retires.

ALEXANDER BOISWELL, Esq. Superintending Surgeon, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you present in the Fort of Seringapatam on the 30th of July last?—Yes, I was.

Did you attend at Lieutenant Colonel Davis's house on that day; and if so, for what purpose, and at whose request?—I paid a professional visit to Lieutenant Colonel Davis in the morning; he told me there was to be a meeting of the officers, and he wished I would attend.

Did you attend when a meeting of the officers took place; and if so, state what occurred?—I attended with the officers of the garrison between 11 and 10 o'clock. When the officers entered Lieutenant Colonel Davis's room, he told them he had sent for them, to remind them of their allegiance to their King, to the Company, and to the Madras Government. He was asked by some of the officers, whether he had not instructions to seize their persons, and if troops were not marching by his orders in all directions towards Seringapatam. He replied, he did not think it necessary, or himself at liberty to disclose what orders or instructions he had received. The 80th Regiment was particularized as one of the corps that had received orders from him to march. He said he would set their minds at ease upon that point, as the 80th Regiment had received no orders from him to that effect. Lieutenant Colonel Davis was requested by the officers to remain among them, and not immediately to leave Seringapatam. He said his health was very bad, but if six or seven days were sufficient, he had no objection; I then left the room. The officers came out shortly afterwards, and were called back again, when Lieutenant Colonel Davis said he would set their minds at ease, and read the last instructions he had received from Government. The Pledge, and a Letter that accompanied it, were then read by Captain Webster. The officers requested a copy of it, thanked him, and retired.

Did you remain in the fort during the greater or any part of the time stated in the Charge?—I remained in the fort from the 31st July.

Do you know whether there were any guns drawn up near any of the gateways of the fort, on the 30th July?—I did not remark any.

Have you, previous to the 30th of July, passed through the Mysore gate?—Yes, I have.

Did you, either on the 30th of July, or any day subsequent to it, observe any guns planted near that gate?—Yes, I saw two guns stationed on the side of the road going to that gate, within the inner gate, and in the body of the fort.

Were those guns there previous to the 30th?—I did not remark them previous to the 30th.

Question from the Court:—Did you see any guns more than ordinary stationed inside or outside of the fort?—In front of the Arsenal one day I saw an unusual number of guns.

Did it strike you as any way remarkable, those guns being planted near the gate?—No, it did not.

When the officers who waited on Colonel Davis requested him to remain among them, was the request conveyed in a respectful way, such as should be made to a Commanding Officer, or in terms that induced you to believe it was imposing a restraint on him?—Perfectly respectful, as far as I can judge, in terms of friendship and entreaty.

When in the hall of Colonel Davis's quarters, or at any other time, did any one mention to you that Colonel Davis would not be suffered to leave Seringapatam?—No.

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Do you know who issued the Orders in the Garrison of Scringapatam, between the 30th of July and 23d August?—I did not see an order all the time I was in the fort.

Where you on duty in the fort?—Yes.

Who commanded in the garrison of Seringapatam during the period stated in the Charge?—I considered Lieutenant Colonel Bell as the ostensible Commanding Officer; I recollect Lieutenant Colonel Bell said to me, he was not Commanding Officer.

Did you ever hear of a Committee of Officers exercising functions of authority there during that period?—I heard of a Committee of Officers, but I did not know what functions they exercised, nor who they were.

Was the Commandant of the garrison acquainted with the existence of that Committee?—I do not know.

Under whose authority did you act in a military capacity?—Under the orders of Lieutenant Colonel Davis commanding the Division.

After the conversation took place, in which Lieutenant Colonel Bell said he was not Commanding Officer, do you know whether he exercised any command within the fort of Seringapatam?—I considered Lieutenant Colonel Bell as Commanding Officer.

The Witness retires.

Captain *Webster* is again called into Court.

Question from the Court:—Was the Letter you wrote on the 30th to Lieutenant Colonel Bell, by order of Lieutenant Colonel Davis, addressed to Lieutenant Colonel Bell, or to the officer commanding the garrison?—I think to Lieutenant Colonel Bell.

Who was the bearer of that Letter; and did the bearer report on his return, the delivery of it to Lieutenant Colonel Bell?—I cannot say who the bearer of it was; but he certainly reported the delivery of the Letter.

Judge Advocate:—Did you on the 31st of July, see a Letter written by order of Lieutenant Colonel Davis to Lieutenant Colonel Bell, forwarding the Test for the signature of the officers of the garrison?—I wrote the Letter myself.

Was the receipt of that Letter acknowledged?—It was returned with a private Note from Lieutenant Colonel Bell to Lieutenant Colonel Davis.

Where is the original of that Note?—It was forwarded to Government.

Was the Letter you wrote by order of Lieutenant Colonel Davis, returned in the same state as when you dispatched it?—The Letter was in the same state, but two enclosures which accompanied it were not returned; the seal of the envelope was not broke, but the cover was torn: the whole was under an envelope.

The Witness retires: And it being near three o'clock, the Court adjourns till 10 o'clock to-morrow morning.

Saturday, the 11th day of November 1809.

THE Court met pursuant to adjournment.

Members all present as before.

Lieutenant CADENSKIE of His Majesty's 80th Regiment, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—State what you know relative to the Charge which you have heard read.—On the morning of the 30th July, I reported to Lieutenant Adamson, who commanded a detachment of the 80th Regiment, that Lieutenant Colonel Bell had given me orders the evening before, I being on guard, to fire upon any armed body of men that might cross the bridge or come the Bangalore road; he told me, likewise, that I was to do the same, if there were any armed men coming the Mysore road. In consequence of my report to Lieutenant Adamson, we discontinued guard mounting. About 10 or 11 o'clock of the same day, the 30th, Lieutenant Adamson told us the Officers of the 80th, that Lieutenant Colonel Bell required our attendance at Lieutenant Colonel Davis's, who was then in the fort; we accordingly went, when Lieutenant Colonel Davis told us that our attendance was not necessary, as he required only the Company's Officers, or words to that effect. Shortly after, a great number

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number of officers came into the room, when Lieutenant Colonel Davis asked Captain Webster, where Lieutenant Colonel Bell was; he answered, "that Lieutenant Colonel Bell had declined coming."

Did you observe, either on the 30th July, or any subsequent day, an unusual movement of guns from the Arsenal?—I saw guns moving about, subsequent to the 30th July.

During the period you remained in the fort subsequent to the 30th, did you see more guns mounted on the works, than had been previous to that day?—Yes; there were more guns than were ordinarily mounted.

Where?—Near where the breach was made when the fort was taken, as well as I can recollect.

Did you see any guns drawn out within the Mysore gate?—No, I did not; I never was near that part of the fort.

Question from the Court:—Do you mean to say, that the orders you received were communicated personally by Lieutenant Colonel Bell, or through a Staff Officer?—I received them from Lieutenant Colonel Bell himself, at near 6 o'clock in the evening.

Did you ask any explanation of that order, that is, whether you were to fire indiscriminately on all bodies of armed men, or upon any particular troops?—I asked Lieutenant Colonel Bell, whether he feared any enemy was coming against the place? he hesitated a little, and said, "Mysoreans, Rascals," or words to that effect.

Was the order to fire on any armed force, given by Lieutenant Colonel Bell, in the presence of any other person?—No, it was not.

Was there any order given, that the officers of the 80th should discontinue guard mounting; if so, on what day, and by whom?—I do not recollect seeing any order to that effect; but Lieutenant Adamson told us, we were not to mount guard any more.

From the explanation of the order given by Lieutenant Colonel Bell, did you understand that you were to fire upon Mysoreans only?—As Lieutenat Colonel Bell's answer to me was mysterious, I reported the circumstance to Lieutenant Adamson.

Did you conceive, from the answer Lieutenant Colonel Bell made to your question, that you were only to fire upon Mysoreans?—The way that Lieutenant Colonel Bell made me the answer, I did not suppose that he only meant Mysoreans.

By whom were you relieved that morning; and what orders did you give the officer who relieved you?—I was relieved by Lieutenant Noble of the 15th Native Infantry, but did not give him any orders more than the common guard report.

Where was the guard stationed that you commanded on the 30th July?—The Bangalore gate guard. I was relieved on the morning of the 30th.

Who was in command of the Garrison of Seringapatam, from the 30th July to the day on which you left the fort?—I understood Lieutenant Colonel Bell; in consequence of which I brought the guard report over to him, as Commanding Officer of the garrison.

The Witness retires.

JAMES ARCHIBALD CASAMAIJOR, Esq. a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Did you hold any, and what situation under the Government of Fort St. George, within the Island or Fort of Seringapatam?—I had the situation of Acting Judge and Magistrate.

Was there under your charge any of the public money?—There was.

State to the Court whatever you know relative to the Charge which has been read.—On the morning of the 30th July, about two o'clock, Captain Turner of the 15th Native Infantry, went to the cutcherry with a guard, and combined his own guard with that over the Treasury. I was summoned by my public servants, and went to Captain Turner, and asked him the object he had in view in taking charge of the cutcherry guard; he told me, "for the purpose of securing the Public Treasury, and wresting it from my charge." I asked him whether he acted by the orders of Lieutenant Colonel Bell; he said, "certainly." He desired me to send away the armed Peons that were attending me, for that his guard were loaded. I told him the people I had could make no opposition to him, otherwise he should not have the

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Treasure without resistance. I then asked him for a receipt for the money he had taken, which he said he would give; but on my drawing out the draft of a Letter to the Chief Secretary to Government, mentioning that the seizure of the Treasure was by order of Lieutenant Colonel Bell, he objected to Lieutenant Colonel Bell's name being mentioned, saying "that although the act was sanctioned by Lieutenant Colonel Bell, that he had not Lieutenant Colonel Bell's permission to say so." I told him he could not revoke his acknowldgement, that he acted under orders from Lieutenant Colonel Bell, and that there were native witnesses present who understood English. He then declined to give any receipt, until he had communicated with the officer commanding the fort. I immediately wrote a Letter to Lieutenant Colonel Bell, calling for a receipt, and remarking upon the impropriety of seizing the Treasure of Government from the person to whom it was entrusted. I went personally in the morning to Lieutenant Colonel Davis, who was in the Fort of Seringapatam, and informed him of the seizure of the Public Treasury. I then went to Captain Cadell, the Town Major, to beg he would ask Lieutenant Colonel Bell for an immediate reply to my Letter; he afterwards came to me, and said that Lieutenant Colonel Bell had made some memorandums regarding the motive which had induced him to seize the Public Treasure, which were to be read in my presence and Captain Turner's only. I requested that Mr. Smith, the assistant of the Judge and Magistrate, might also be a party to the reading of these memorandums. It was objected to by Captains Cadell and Turner, and dispensed with by me. The reason assigned in this memorandum was, that it had come to the knowledge of Lieutenant Colonel Bell, that Mr. Casamaijor had said, that had he the means of forcing the Treasure off the Island, he would do so. I was with Lieutenant Colonel Davis the greater part of the morning of the 30th; he shewed me the public dispatches from Government, and told me he had required the attendance of Lieutenant Colonel Bell and the officers, for the purpose of tendering the Pledge. I was present in the room when the officers waited upon Lieutenant Colonel Davis, and I then left the room. After the officers had left Lieutenant Colonel Davis's, I saw him, and he expressed his regret that Lieutenant Colonel Bell had refused to comply with his order for attending. I then left the fort, and returned between three and four o'clock. I went to Lieutenant Colonel Bell's house, to request an interview with him; I sent up my name, and Mr. M'Intosh, Adjutant of the Artillery, returned with a message from Lieutenant Colonel Bell, "that he could not see me." I urged that it was of moment my seeing Lieutenant Colonel Bell, as I was prevented from leaving the fort; and as Lieutenant Colonel Davis was a prisoner, I wished to resign all public authority on the Island. Mr. M'Intosh went back to Lieutenant Colonel Bell, and returned, saying, "that Lieutenant Colonel Bell could not see me." I then wrote a Letter, and sent it to Lieutenant Colonel Bell by Mr. M'Intosh. I was then told by Mr. M'Intosh, that Lieutenant Colonel Bell had resigned the command of the fort to a Committee of Officers, and that he was not even privileged to receive my Letter. Mr. M'Intosh then wrote a Letter, which induced three officers to come to me, saying, "it was not intended I should be detained in the fort; nor was it intended that Lieutenant Colonel Davis should be prevented from leaving the garrison." I went to Mysore late that evening about eight or nine o'clock.

Did you usually reside within the fort?—No; I was daily in the fort until 1st or 2d of August.

Did you observe whether any unusual number of guns were either mounted upon the works, or brought out into the streets of the forts on or about the 30th of July, and the days following that you went into the garrison?—The guns that were generally on the esplanade for exercise, were drawn within the walls.

Question from the Court:—Did you understand by what Mr. M'Intosh said to you, that Lieutenant Colonel Bell had willingly resigned the command of the garrison, or that he had been constrained to relinquish the command?—He simply said to me, "that Lieutenant Colonel Bell was not privileged to receive a Letter from me without the sanction of a Committee of Officers, and that I must address them if I thought it necessary to communicate with the military authority of the garrison."

Who were the three officers that waited upon you?—Captain Pearce, Captain De Haviland, and Major M'Dowall.

What did they style themselves?—They did not give themselves any appellation to me.

Did they say under whose authority they acted?—They did not; I did not ask them.

The Witness retires.

John

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JOHN SMITH, Esq. Paymaster of the troops in Mysore, and Garrison Storekeeper in Seringapatam, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Had you any, and what Treasure under your charge on the 30th July last?—I had; but I do not recollect how much.

Will you state to the Court, whether that Treasure was seized, and by whose authority?—I received a Letter from Captain Cadell, Town Major, during the day of the 31st of July, which I beg leave to lay before the Court; and I believe it to be in his hand-writing.

Question from the Court:—Do you swear that this Letter is in the hand-writing of Captain Cadell?—To the best of my knowledge it is.

The Letter is read, admitted, and is as follows:

To the Paymaster, Seringapatam.

"Sir, "Seringapatam, 31st July 1809.

"I have been directed by the senior officer of the garrison to inform you, that he has deemed it advisable to order the guard over your Treasury not to allow it to b opened, without his (the senior officer's) positive orders. I am directed to request that you will, as soon as possible, transmit to me, for the information of the senior officer, an account of the money now in your Treasury, and to be acquainted whether or not any part of it has been removed within the last few days, and to what place.

(Signed) "*George Cadell*, Town Major."

Judge Advocate:—After the receipt of the Letter you have laid before the Court, were you or your servants prevented from having access to your Treasure as often as you wished?—I never went to the Treasury myself; and I never saw my servants prevented from having access to it.

In whose possession were the keys of your Treasury?—In the possession of the head servant and of the cash-keeper.

Did you consider, after the receipt of this Letter, that you had not the same authority over your Treasury as you had previous to it?—Yes, that I had not.

Did you make any, and what representation to the senior officer, Lieutenant Colonel Bell, in consequence of that Letter?—I wrote a public Letter to him, a copy of which I have in my public Letter-book.

Were the keys of your Treasury taken from the custody of your servants without your authority?—I did not hear that they were taken from the servants.

Did you conceive that you had the same power to open your Treasury, or to direct your servants to do so, after the receipt of this Letter, as you had previously?—I conceived I had not the same power, or any power over the contents of the Public Treasury, without the senior officer's positive orders.

Was any part of the money in your Treasury, disbursed without your sanction and authority?—Not to my immediate knowledge.

When did you resume your authority over the Treasury?—On the 23d of August.

Did you examine the contents of your Treasury?—I did not.

From the Accounts of your office, do you know whether any money was disbursed from the 31st of July to the 23d of August without your sanction?—A Cash Account was presented to me on my return to the fort, which contained disbursements during my absence from the 3d of August to the 23d without my sanction.

The Witness amends his Answer to the Question, "When did you resume your authority over the Treasure," by stating, "some time subsequent to the 22d of August."

Judge Advocate:—When did you ascertain what the contents of your Treasury were?—Some time subsequent to the 22d.

Question from the Court:—What occasioned your relinquishing your duty of Paymaster to the troops in the fort?—In consequence of being prevented from carrying on my public duty as I had been accustomed to do.

The Court adjourns till Monday morning, at 10 o'clock.

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Monday, the 13th day of November 1809.

THE Court met pursuant to adjournment.
Members all present.

Mr. SMITH, Paymaster, called in, and examined on his former oath.

Judge Advocate:—Were any of the servants of your office placed under restraint; and if so, by whose authority?—My head servant, Rangapah, was not allowed to leave the office from the evening of the 31st July until some time during the day of the 1st of August, and by Captain Cadell's authority as I think, I am not certain.

Were any public buildings under your charge as Garrison Storekeeper, taken possession of or opened without your sanction?—I understood that the public granaries were taken possession of without my sanction.

Did you, as Paymaster, know that a large sum of money was coming from the Ceded Provinces for the use of your office?—I did.

Was that money brought into the fort, and committed to your charge?—It was not.

Was any, and what report made to you respecting that money, and by whom?—My servant Rangapah informed me, that the Treasure had been brought to the Pay Office and lodged there.

Is it not usual, that the arrival of Treasure for the use of your Office, should be reported to you by the guard under whose charge it may have been placed?—It is.

Was this done?—It was not.

Can you assign any reason why it was not reported to you?—I cannot speak positively. The Witness retires.

RUNGAPAH NAICK, head manager of the Pay Office in Seringapatam, a Witness in support of the Prosecution, duly sworn, agreeable to the rites of his religion.

The Charge is read.

Judge Advocate:—State to the Court what you know respecting the Charge which you have heard read.—On the 30th July, I went to the office at the usual hour of 11 o'clock, when I found Ensign Maloney of His Majesty's 80th Regiment, waiting there for 300 Pagodas, with a receipt, on account of the detachment of the 80th; I immediately went to the cash-chest, in order to make the payment. I gave the key of the cash-chest I had in possession to the Cashier, and desired him to open the chest; he began to break the seal usually put upon the locks on the closing of the payments of each day. The Havildar of the guard immediately put a stop to his opening it. I asked the reason, he said, "that I am not at liberty to open, nor Mr. Smith Paymaster neither; but the cash-chest could only open on the personal attendance of Lieutenant Colonel Bell, the officer commanding the garrison." Ensign Maloney stood all the time this conversation took place, and immediately went to Captain Cadell, the Town Major, to report the same. I waited upon Captain Cadell at the same time, and reported the message given me by the Havildar of the guard; in reply, Captain Cadell said to me, "Yes, Rungapah, I wrote a Letter to your master to that effect, go you and wait at the office;" a little after, Captain Cadell, in company with Ensign Maloney, came to the office, and desired me to open the chest and make the advance of 300 Pagodas; the Havildar of the guard made some objections to Captain Cadell opening the chest, but Captain Cadell satisfied him, and stood till the receipt was put into the cash-chest, locked it, and went away. From that period till the morning of the 23d August, whenever there was occasion to open the cash-chest, the Havildar of the guard, or some of the writers and people about the office, used to go to Lieutenant Colonel Bell or Captain Cadell, and bring their orderly Serjeant or Havildar, with permission to the Havildar of the guard to open the cash-chest; and no bill or abstract was ever discharged without the signature of "Lieutenant Colonel Bell, senior officer," or of "Captain Cadell, by order Town Major." Sometimes, only "Captain Cadell and Lieutenant Colonel Bell." Always put at the foot of the bill, "Pay I. B." Upon such Documents, all payments were made.

Did Lieutenant Colonel Bell, at any time during the period stated in the Charge, ever come to the Pay Office?—Once I saw him, and said to me, "you head man of the office?" I said, "yes;" he then said, "I can get nobody to accept of the situation of Paymaster, and I shall be Paymaster myself; in consequence of your master having gone away, all this confusion and trouble happened—he had better stay."

Did

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Did you report any of the above circumstances to Mr. Smith?—By three or four notes sent by me to Mysore with the greatest difficulty.

Do you remember on what day Lieutenant Colonel Bell had the above conversation with you?—Between the 3d and 7th of August.

Were you placed under any restraint, and if so, by whose authority?—On the 31st of July about 12 o'clock in the forenoon, a Naigue and three Sepoys were brought by Captain Turner and placed over me, and Captain Turner said, "Rungapah, you must consider yourself under charge of this Naigue, must not go out without a Sepoy on any occasion." I asked him on what account I was placed under a guard; he said "for disobedience to the orders of the Officer commanding the Garrison." I asked, in what respect, he said "for not complying with the order for money to Ensign Maloney." I then told him, on the contrary, I was most ready to wait on the cash-chest, but was stopped by the guard over it; and I referred him to Ensign Malony and Captain Cadell. He asked me "if I was sure there was nothing else," I said, nothing I know of; he told me he would speak to Lieutenant Colonel Bell, and went away. A little before this happened, Captain Cadell came to me and said, "I have the Commanding Officer's orders to call upon you, as head servant of the Pay Office, for the keys of the granary;" to which I replied, I must beg leave to refer you to my master; without his orders, I am not at liberty to deliver the keys you require. He then said, "your master is not in the office, and the military orders must be carried into execution, don't give me the trouble; better deliver me the keys," or some words to that effect: "If you don't do it, I shall be obliged to break open the place where the keys are." I then told him, if that is the case I will shew you where the keys are, you had better take them yourself. I opened the drawer in which the keys were, and he ordered the Havildar to take them out. I asked him to write one letter to my master, saying he had taken the keys; he did so, and this Letter is now in my master's hands. About five o'clock that evening Captains De Havilland and Cadell came to my master, and after some conversation they had with him, they came to me and said, that I might go and take my dinner, by taking a Sepoy with me to my house, provided I can't send for my rice and eat at the fort.

Had you any conversation with Lieutenant Colonel Bell on this day?—No.

Were the granaries taken possession of and filled with Sepoys?—They were taken possession of; I dont know what they did with them.

Can you state any thing respecting a sum of 30,000 Pagodas, which were brought into the fort?—That sum was brought to the Pay Office about the 2d, 3d, or 4th of August.

Question from the Court:—Previous to the 30th July, was it usual for you to receive Abstracts signed by Lieutenant Colonel Bell and Captain Cadell, to sanction the payment of their amount?—All Abstracts were countersigned by the Officer commanding the garrison, and then signed by Mr. Smith, to pay the amount from the cash-chest.

Previous to the 30th July, did you ever pay orders on the cash-chest signed by Lieutenant Colonel Bell alone?—Never, to the best of my recollection.

Where did your master reside when Lieutenant Colonel Bell gave those orders on the cash-chest?—The greater part of the time at Mysore.

How often was Mr. Smith at the Pay Office between the 30th of July and the 23d of August?—He came more than once, and always wrote a Letter to Lieutenant Colonel Bell.

Judge Advocate:—Did you see Mr. Smith in the fort any day between the 6th and 23d of August?—I don't recollect.

Was there any one present when Lieutenant Colonel Bell told you, he would be Paymaster himself?—Two or three writers in the office, but I did not call them to witness.

Were they near enough to hear it; and do any of them understand English?—Every one of them understands English, and were within three or four yards.

If there were only the letters I. B. put to Orders for the advance or payment of money, why did you consider them as coming from Lieutenant Colonel Bell?—As he told me himself, that he would put, "Pay I. B." upon which I was to pay money.

Was there any person present when he said this?—I don't recollect. Whenever Abstracts came to the office countersigned by Lieutenant Colonel Bell, the Examiner and the Cashier returned them for want of his initials, and which, when put to the paper and brought back to the office, were paid.

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Several Bills and Abstracts are given in by the Evidence, to which the signature as above detailed is affixed; and the prisoner admits they are of his hand writing.

The Witness retires, and Mr. *Smith*, Paymaster, is again called into Court.

Question from the Court :—You have stated, that you never went to the Treasury; do you mean by that, to say that you never went to your office, or transacted any business, between the 31st July and 23d August?—I mean, that I never went to the cash-chest; I attended at the office on the 30th, 31st July, 1st and 2d of August.

Did you write any Letters on public business, and to whom, on those days?—It appears by the public Letter Books, that I did; one is dated 30th July, to Lieutenant Colonel Bell commanding Seringapatam, and one to the Military Paymaster General; on the same day, and each of the following days, I addressed a Letter to Lieutenant Colonel Bell.

Did you receive Answers to your Letters to Lieutenant Colonel Bell?—I did not receive any written Answer; a verbal message was, to the best of my recollection, brought by Captains De Havilland and Cadell, in reply to my second Letter, dated 31st July, stating that my Letter of the 30th, to Lieutenant Colonel Bell, would be taken into consideration.

Judge Advocate :—Were those Letters you addressed to Lieutenant Colonel Bell, delivered to him?—I should imagine they were. I cannot recollect by whom I sent them.

The Witness retires.

SHAIK EMAUN, Havildar in the 2d battalion company, 1st battalion 9th Regiment N. I. a Witness in support of the Prosecution, duly sworn agreeable to the rites of his religion.

Choka Lingum, sworn to interpret agreeable to the rites of his religion.

The Charge is interpreted.

Judge Advocate :—Did you command a guard in the month of July last, which escorted Treasure from the Ceded Districts to Seringapatam?—Yes, I did.

To whom were you ordered to deliver that Treasure?—I was ordered to escort it to Seringapatam; no name was metioned. I was not directed to give it to any particular person.

Did you, on your approach to Seringapatam, receive any orders respecting that Treasure?—About 4 o'clock in the afternoon, two Hircarrahs came and told me it was the General's order, that I should take the Treasure back.

What did you do on receiving this order?—I asked the Peons, if they had any chit from the General, and as they had not I suspected them; and as the country was at peace, I ordered a Naigue and a Sepoy to go on to the fort, and to ask for orders from the Commanding Officer, the Fort Adjutant, or the Paymaster.

What orders did you receive from the fort?—In the night between 12 and 2 o'clock, two companies came from the fort and took the Treasure.

Were there any European officers with these companies, and who were they?—There were three officers, Captain Bishop, the Adjutant of Crew's battalion, and the third officer I don't know.

Where was the Treasure taken to on that night?—It was taken to the Paymaster's Office.

At what distance were you from the fort, when you were met by the Hircarrahs?—Four coss; we reached the fort about half past 6 o'clock in the morning.

Did you make any report of the arrival of the Treasure to any officer in the fort?—I reported to Lieutenant Colonel Bell, the Town Major, and Captain of the day, immediately after I arrived.

Who was Commanding Officer in the Fort of Seringapatam, from the time you arrived there till the day on which the troops marched out without their arms?—Lieutenant Colonel Bell.

Did you receive any orders from Lieutenant Colonel Bell in person; and how do you know he was Commanding Officer?—I did not receive any orders in person; but as the Fort Adjutant used to go to him for orders, I conceived him to be Commanding Officer; four or five days after I arrived, I was ordered on duty. I asked leave to return, and accompanied the Fort Adjutant to Lieutenant Colonel Bell's house; he went in, and when he came out he told me there was danger on the road, and I had better remain a few days.

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Question from the Court:—Had you no Letter to deliver to the Paymaster, or any other person in Seringapatam, along with the money?—No.

Who was the Fort Adjutant?—Captain Cadell.

The Court adjourns till 10 o'clock to-morrow morning.

Tuesday, the 14th day of November 1809.

THE Court met pursuant to adjournment.

Members all present.

Captain BISHOP of the 19th Regiment N. I. a Witness on the part of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Who commanded in the Fort of Seringapatam on the 30th and 31st July last?—I understood that the authority of Commandant had been assumed by a body of Officers.

Who were those Officers?—I do not know.

Did you march out of the Fort of Seringapatam whith two companies of Sepoys, or any detachment of troops under your command, on or about the 31st July or 1st August?—No.

Did you march with any troops about that period?—I accompanied about 100 men, and it was about that period, to the best of my recollection.

Do you mean to say those men were not under your command?—I do; they were not under my command.

Who was the senior Officer with them?—I was the senior Officer with them, but I did not command the party.

Who did you consider as in command of that party?—Lieutenant Harvey of the 2d battalion 19th Regiment.

Was there any other Officer with that party?—There was.

Who was he?—Lieutenant Napier.

At what hour did this detachment leave the fort?—Between the hours of nine and eleven o'clock, to the best of my recollection.

When did it return?—I do not know.

Question from the Court:—Were you doing duty in the Garrison of Seringapatam, and if so, during the period stated in the Charge, from whom did you receive orders?—I think about the 4th of the month I was struck off the roster, having been requested to assume or to take charge of the Bazar Department. I generally received my orders through Captain Cadell, whom I considered Staff of the garrison.

In what manner was it announced to the garrison, that it was under the command of a Committee?—I do not know that it was announced in any public orders.

You have stated that you did not know the persons who composed the Committee, how came you to recognize the authority of those whom you did not know?—I can only say, that I understood Committees had been formed in various parts of the army, who had assumed the command, and I heard a Committee was also formed in Seringapatam; I did my duty, and never enquired who composed the Committee.

Did you make daily reports of the state of the Bazar, and to whom?—I did not.

Did you, at any time between the 30th July and 23d August, or on either of these days, receive any order from Lieutenant Colonel Bell in person, or under his signature, or report to him?—I have received orders in person, but do not remember any in writing; and I have reported to Lieutenant Colonel Bell.

What was the nature of the order you received from Lieutenant Colonel Bell, and at what period did you receive it?—I received an order from Lieutenant Colonel Bell on the night of the 11th of August to ride out to Webb's Monument, and see whether there was any officer lying on the ground wounded; it having been reported that there was one.

Was that the only order you received?—No, I dont think it was; I have received several orders from Lieutenant Colonel Bell.

If you considered the Committee as exercising command, why did you report to Lieutenant Colonel Bell?—I considered the Committee as exercising command up to the 6th or 7th of the month, after which I made what few reports I had to Lieut. Colonel Bell.

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Did you report to the Committee?—I once addressed a Letter to the Committee and left it on a table in a room where I understood the Committee assembled.

In whose house did you leave it?—In a vacant house that formerly had been occupied by a Mr. Kitson of the 12th.

Was he the last person who occupied it?—To the best of my belief and knowledge he was.

Did you ever hear or know of any objection being made on the part of Colonel Bell, or of any other officer, to this assumption of power by the Committee?—No.

Do you know if the detachment you have mentioned marched under any, and what Instructions; and do you know from whom these Instructions were received?—I did not hear the Instructions given; and I do not positively know who gave them.

While you were with the detachment commanded by Lieutenant Harvey, will you relate what took place?—We marched for, I suppose, 10 or 11 miles, and came to a small Pagoda, where there was a guard with six bullocks loads, to the best of my recollection, of I believe money; I did not see the bags opened. The bullocks were ready saddled, the loads were immediately put on them, and the detachment returned. I left them about half way, and galloped into the fort.

Is this all you know that occurred?—There was at the Pagoda two men, who had been confined by the guard, prior to our arrival, to the best of my recollection. On their being questioned, one said he was a servant of Colonel Davis's, and the other of Mr. Cole's, and that they were to take these bullocks loads by a circuitous route to Mysore. They were asked if they had any documents, they answered, "none whatever;" they accompanied the detachment as far as I did. The village people told us there were about 300 Mysore horse within three miles, and were expected to come for the treasure.

Was this information given by the village people subsequent to your march from the fort?—To the best of my recollection, I heard it from one of the Sepoys of the guard on my arrival at the village, who said some of the villagers had told him.

Judge Advocate:—Did Lieutenant Harvey, in your presence, make any report of the arrival of the Treasure at Seringapatam, and if so, to whom?—No, he did not in my presence.

Do you know any thing else relative to the Charge before the Court besides what you have already stated?—To the best of my recollection, not positively; on the 11th, when the Mysore horse cut in upon the two battalions who were coming from Chittledroog, some guns were fired; but I was not in the fort, and did not see the direction they were pointed.

Where were you all that day?—I was at the head of my company, at the other side of the river.

Do you know whether any other detachment, besides the one you accompanied with Lieutenant Harvey, marched from the fort from the 30th July to the 23d August?—On the 11th at night, I had a small detachment with me when I went to look for the wounded officers; I cannot swear to any other detachment.

Question from the Court:—You have stated, you were at the head of your company on the other side of the river; by whose orders were you there, and for what purpose?—I joined my company on its march out of the fort in line with the battalion.

In consequence of what order did you join your battalion?—The battalion was marching; I joined my company on the line of march; I had no orders.

How did you learn the battalion was marching out?—I saw it.

The Court is cleared, and on being opened, the following is read and recorded:

"Captain Bishop,

"I am directed by the Court to inform you, that in consequence of the Amnesty, it is impossible you can in any point of view criminate yourself, by declaring openly every thing you know relative to the transactions at Seringapatam; and therefore caution you not to injure yourself, by withholding any information."

Judge Advocate:—Do you know whether any guns were fired by the troops composing the Garrison of Seringapatam, on the troops of His Majesty and the Honourable Company, on the night of the 11th of August or the following morning?—I heard guns fired; I have already said, I was at Webb's Monument, a distance in a straight line of I believe about three miles.

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Question from the Court:—You preceded the guard; did you make any report on your arrival in the garrison, and if so, to whom?—I made no report.

Judge Advocate:—Do you know whether any troops marched from the fort on any day between the 1st and 4th of August?—I do not, from my own personal knowledge. The Witness retires.

Lieutenant *Beaumont*, Assistant Quartermaster General, called into Court, and examined on his former oath.

Judge Advocate:—Was any report made to you, for the information of Lieutenant Colonel Davis, by the Officer commanding in Seringapatam, of the march from the fort of any detachment or body of troops within the period stated in the Charge?—None.

Has it been always customary, previous to the 30th July, for the Officer commanding in the fort, to report the march of troops to and from the garrison?—Always.

Question from the Court:—Can you give any instances?—Many: the 2d battalion 19th Regiment were ordered to march to Bangalore, they were afterwards countermanded, and the Officer commanding in the fort first forwarded the necessary indents for camp equipage and equipments, and when the march was countermanded, he reported that the camp equipage, &c. were lodged in store again.

During the period of the charge, was any official report whatever, for the information of Lieutenant Colonel Davis, of any thing that happened in the Garrison of Seringapatam, made to you?—Not to me. The Witness retires.

Lieutenant ADAMSON of His Majesty's 80th Regiment, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Did you command a detachment of His Majesty's 80th Regiment in the Garrison of Seringapatam, on or about the 30th July last?—Yes, I did.

How many officers were attached to this detachment?—Myself and three Subalterns.

Did those officers mount guard within the Fort of Seringapatam?—They did, until the 30th of July.

Were they then struck off the roster for duty?—After the 30th they were.

On what account?—I requested from myself, that they should be so.

What induced you to make that request?—A report from two officers, Lieutenant Charles Dick and Lieutenant Edward Cadenskie, reporting that Lieutenant Colonel Bell had ordered them to fire upon any Mysore troops, to the best of my recollection, that might pass the bridge.

To whom did you state your request?—To Captain Cadell, Town Major.

Had you any conversation with Lieutenant Colonel Bell in person on the subject?—No, I had not.

Did you at any time about the beginning of August receive orders to march your detachment out of the fort, and from whom?—I received orders from Lieutenant Colonel Bell on the 3d of August to march the detachment out of the fort.

Garrison orders, or in person?—In person first, and afterwards there was an order given out.

Where were you ordered to encamp?—On ground that would be pointed out to us. Lieutenant Colonel Bell mentioned to me, on the Bangalore side of the Wellesley bridge.

Did you receive any orders from, or had you any communication with Lieutenant Colonel Bell, relative to the place you were to march to?—I had conversation with Lieutenant Colonel Bell. On the morning of the 3d, he came to my house about the hour of 11 o'clock, and after being seated, he said he came to inform me that I must march the detachment out from the fort, to ground that would be pointed out to me; and that he thought it much for the best the detachment marching. Colonel Bell then said, to the best of my recollection, that he had been at home for some time, and that he had only a short time ago arrived in the country, and shortly after his arrival at Madras he was ordered up to take charge of the Garrison of Seringapatam, and that on

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his arrival there, he knew nothing of the business that was going on regarding what had lately taken place; he further said, that although he was Commandant of the garrison, he was controuled in some measure by a Committee, some of whom he really did not know. I then asked Colonel Bell if the detachment might march to Cannanore to join Head Quarters of the regiment, he said, No; I must march the detachment to Bangalore, and put myself under the command of Lieutenant Colonel Gibbs; indeed, he would advise me to go to Bangalore, as by going the Cannanore road I might be detained, and advised me not to think of going nigh Mysore, as I might depend upon it Mysore would be in ashes in a few days. Colonel Bell on leaving my house, said, I must march the detachment off in the evening, and that he would give me every assistance in his power, and that the detachment should have every thing they wanted during their march. The order was out very shortly afterwards. I received a note from Captain Cadell regarding the sick being left behind. We marched in the evening to the Bangalore side of the Wellesley bridge to tents that were pitched there for us.

Had you any further communication with Lieutenant Colonel Bell?—I had a Note from Lieutenant Colonel Bell.

What was the purport of it?—Here is the Note.

It is given in, read, and admitted.

The prisoner acknowledges it to be of his hand writing.

" My dear Sir,

" HAVING seen in the course of my drive this evening, the situation of your encampment, and having no doubt that several guns rake the bridge, I recommend most earnestly your placing guards, so as to prevent all possibility of any body of men getting on the head of the bridge; this is meant only for yourself, wishing you and party a pleasant march."

" I remain, Yours very truly,

(Signed) " *J. Bell.*"

" N. B. I have thrown the ink on the paper instead of sand, I hope you will be able to make it out."

(Marked) " *J. B.*"

Judge Advocate:—Was any person present during the conversation you have detailed?—No.

It being near three o'clock, the Court adjourns till 10 o'clock to-morrow morning.

Wednesday, the 15th day of November 1809.

THE Court met pursuant to adjournment.

Members all present as before.

Lieutenant ADAMSON of the 80th Regiment, called in, and examined on his former oath.

Judge Advocate:—Did you communicate the conversation you had with Lieutenant Colonel Bell shortly after it occurred, to any person?—Yes, I did to the officers of the detachment, and to Lieutenant Grove also.

Did you move from your place of encampment on the morning of the 4th of August?—Yes, I did.

Did you meet or see any body of troops going towards the fort?—Yes, I saw Major Mac Dowall, Captain Turner and Lieutenant Noble of the 15th Native Infantry, with about 4 or 500 Sepoys, as nearly as I could guess, with some Artillerymen, and two guns.

From what part of the country did they appear to be coming?—From the Chittledroog road.

Had you any conversation with any one in that detachment before they reached the fort?—I had with Major Mac Dowall and Captain Turner.

Do you know when that detachment left the fort?—No, I do not.

Can you say whether there were a greater number of guns mounted on the works, or drawn out within the fort, from the 30th July to the 3d August, than had been previous to the former days?—I cannot say.

Whom did you consider as Commanding Officer of the Garrison of Seringapatam?—Lieutenant Colonel Bell.

Was it ever intimated to you, except in the conversation you had with Lieutenant

tenant Colonel Bell, that his authority was superseded in the fort?—No, it was not.

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Question from the Court:—Do you know whether there was any Committee of Officers formed in the garrison, for the purpose of exercising military authority?—I cannot positively say.

The Witness retires.

MODEEN KHAN, trooper in the body guard attached to the British Residency of Mysore, a Witness in support of the Prosecution, duly sworn agreeable to the rites of his religion.

Choka Lingum called into Court to interpret.

The Charge is explained.

Judge Advocate:—Did you attend as an Orderly to Lieutenant Colonel Davis on the 30th of July last?—When Lieutenant Colonel Davis was in the fort, I was his Orderly.

Did you on that day receive from Captain Webster, Assistant Adjutant General, a Letter to deliver to Lieutenant Colonel Bell, and did you deliver it?—I got a Letter from Lieutenant Colonel Davis, not from Captain Webster.

At what o'clock did you receive that Letter?—Four o'clock in the afternoon.

Did you deliver it, and to whom?—I took the Letter, and gave it to a serjeant at Lieutenant Colonel Bell's house, who took it in, and when he came out desired me to go away; I asked him if there was any answer, and he told me to go.

Do you mean that Lieutenant Colonel Davis gave you the Letter with his own hand, or that it was a Letter from Colonel Davis?—I was standing before him as he was lying on his bed, when he sat up, wrote the Letter, and gave it to me with his own hand.

Question from the Court:—Did you carry any other Letters, either from Colonel Davis or Captain Webster, to Lieutenant Colonel Bell on that day?—No.

The Witness retires.

Major M'DOWALL of the 2d battalion 15th Regiment N. I. a Witness on the part of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you in the Fort of Seringapatam on the 30th of July last?—Yes.

Did you wait upon Lieut. Colonel Davis in the afternoon of that day, in company with any other Officers?—On the evening of the 30th July last, I waited upon Lieutenant Colonel Davis, in consequence of having heard he was under some apprehensions of being under restraint, knowing at the time, it was not intended by the officers of the garrison that he should consider himself under the smallest. I am not certain whether any person accompanied me there or not, but before I came away I saw Captain Pearce in the compound, and I think also Mr. Casamaijor.

How did you learn that Lieutenant Colonel Davis considered himself under restraint?—I heard so in a casual way from Captains Limond and Turner in the course of conversation, which at the same time was mentioned that Lieutenant Colonel Davis had inquired whether the guard in his compound was a guard of restraint or a guard of honour; that if it was a guard of restraint, he wished it to be augmented; if a guard of honour, he wished it to be withdrawn.

Under what authority did you wait upon Lieutenant Colonel Davis, as before stated by you?—Under the authority of the opinion of several of the officers of the garrison.

Were any number of officers assembled for the purpose of giving their opinion upon that subject?—No.

Did you ever see any Letter addressed by the Assistant Adjutant General to Lieutenant Colonel Bell, respecting the restraint under which Lieutenant Colonel Davis conceived himself to be?—I cannot recollect whether I did or not, without seeing the Letter.

Say, to the best of your knowledge, whether Lieutenant Colonel Bell knew that

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Lieutenant Colonel Davis considered himself under restraint?—I do not know that Lieutenant Colonel Bell ever knew it.

Whom did you consider as Commanding Officer of the Garrison of Seringapatam on the 30th of July?—Lieutenant Colonel Bell as senior officer; but whether or not his orders regarding the officers would have been obeyed, I cannot say. I rather think if he had ordered the officers out of the garrison, they would not be obeyed.

Do you know whether any intimation was given to Lieutenant Colonel Bell, that his authority was usurped by any person or persons in the garrison?—No, I do not.

If such a circumstance had taken place, must you have known it?—I suppose I must have known it as well as any other officer.

Was there much agitation in the garrison on this day, the 30th July?—Considerable; so much so, that the officers particularly requested Colonel Davis to remain with them till the alarm blew over, but he would not.

Do you know, or did you see Lieutenant Colonel Bell make any and what attempts to suppress this agitation?—Lieut. Colonel Bell frequently recommended moderation. It is my opinion, if he had attempted to suppress it, he would have been placed in the same situation as Lieutenant Colonel Innes at Masulipatam; he would have been placed in arrest.

Now I ask you again, whether he took any measure to suppress this agitation?—No; Lieutenant Colonel Bell throughout recommended moderation.

Do you know what number of European Artillery were in the fort at that time?—I believe there were upwards of 200, I am not certain.

If Lieutenant Colonel Bell had himself signed the Test on the 30th July, do you think, from the estimation in which he was held, that his example would have been followed by the greater or any part of the officers under his command?—No, I do not think it would.

Do you know of any officers who formed themselves into a Committee, and who exercised military authority within the garrison?—There was an officer from each corps, frequently met to consult what was best to be done under the existing circumstances; they were not always the same officers; nor do I know that they were appointed by the authority of the voice of the garrison.

Was the result of these consultations communicated to Lieutenant Colonel Bell?—Not that I know of.

Were they ever?—I do not know whether they were or were not.

Were you a member of that Committee?—Sometimes I was one of those officers that met from the corps.

Did those officers, when they met together, consider the military authority in the garrison as vested in their hands?—Yes, as far as I could observe, they did.

Do you mean to say, that during the whole period of the Charge the military authority was exercised by those officers?—I think it was exercised by those officers till about the first week in August.

After that, by whom?—By Lieutenant Colonel Bell, as far as I could observe.

In what manner, or by what means did Lieutenant Colonel Bell resume his authority?—The officers of the garrison met and dissolved the Committee, and said, that Lieutenant Colonel Bell must assume the authority himself.

Did you, about the beginning of August, accompany or command a detachment which marched from the fort:—Yes, I commanded it.

Under what, and whose instructions?—I received my orders from my immediate Commanding Officer, Lieutenant Colonel Munro, to march out a certain distance on the Serah road, but not to commence hostilities, or molest the inhabitants of the country; to make one march, and if I did not meet the officers from Chittledroog, to return again: at this time the officers of Chittledroog had thrown themselves under the protection of the Garrison of Seringapatam, until the arrival of Lord Minto, as I understood.

When did you return to the garrison?—I went out on the morning of the 3d, and came back on the morning of the 4th, I think so.

Did you make any report, or communicate to Lieutenant Colonel Bell what you had done?—Yes, I reported to Lieutenant Colonel Munro and Lieutenant Colonel Bell.

Did you know whether Lieutenant Colonel Bell was acquainted with the march of

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of your detachment, and for what object it had marched previous to your report to him?—I cannot speak from my own knowledge.

Did Lieutenant Colonel Bell make any observations when you reported to him?—None that I recollect.

What was the nature of your report to him?—That the detachment had returned. I first waited upon Lieutenant Colonel Munro; he was not up, otherwise I would not have gone to Lieutenant Colonel Bell. As far as I recollect, this is all the report I made.

Can you bring to your recollection, whether you informed Lieutenant Colonel Bell that a quantity of grain was brought in with your detachment?—There was not a seer of grain brought in by the detachment, nor no molestation whatever committed amongst the inhabitants.

Did you see on the 31st July or 1st August, a Letter addressed by Lieutenant Colonel Davis to Lieutenant Colonel Bell, forwarding the Test for the officer's signature?—No, not that I recollect, upon either of those days.

Did you on any other day?—No.

Did you see any Letter addressed to Officers Commanding Corps, by Lieutenant Colonel Davis?—In consequence of a Letter that Officers Commanding Corps had written, the Test was sent in, I think, on the 2d of August. I did not see any Letter.

Question from the Court:—In what manner did the agitation in the Garrison of Seringapatam, which you have mentioned, shew itself?—I think upon the 28th July, a report was prevalent in the garrison, that an attempt was to be made by the Mysore troops to seize the fort by surprise; in consequence of the alarm which this excited, Lieutenant Colonel Davis came into the fort himself the day after. An honorary guard was ordered to Lieutenant Harvey's quarters, which he occupied. It was also said at this time, that Lieutenant Grove of His Majesty's 80th Regiment, who then belonged to the station of Mysore, had, unknown to the Commanding Officer of the Garrison, entered the fort, and remained in the barracks of the 80th Regiment for a night. This added considerably to the alarm which the garrison were then under. On the 30th Lieutenant Colonel Davis desired the Company's officers of the garrison to wait upon him. After they were assembled in his apartment, and admonishing the officers, he was asked, "Lieutenant Colonel Davis, have you or have you not orders from Sir George Barlow to seize the Company's Officers in the garrison?" To which he replied, "I am not at liberty to answer that question." The officers of the garrison then gave him their assurance of their loyalty to their King and Country, and begged that he would remain with them, until the alarm blew over; to which he at first seemed to accede. The officers of the garrison then took their leave; but before they got out of the compound, they were called back, and an extract from the Letter of the 26th July from the Chief Secretary to Government to Lieutenant Colonel Davis, read to them. They then had no longer any doubts of orders having been received by Lieutenant Colonel Davis, to seize the Company's officers who refused to sign the Test in this Division. This was what occasioned the alarm. The officers declared they would not allow themselves to be seized. Every man seemed to have an opinion of his own. On and after the 30th July, the Sepoys declared that they would not allow their officers to be separated from them.

Did any alterations on the guards at Lieutenant Colonel Davis's house, take place in the course of the 30th, and why?—When Lieutenant Colonel Davis enquired whether the guard at his house was a guard of restraint or a guard of honour, and said "if a guard of restraint, let it be augmented, if a guard of honour let it be withdrawn;" the guard was withdrawn.

Was there any augmentation of sentries during the course of the day?—None that I ever heard of or saw.

Do you know whether any message was sent at any time in the course of that day to Lieutenant Colonel Davis by Lieutenant Colonel Bell, or any other person or persons, "that he Lieutenant Colonel Davis would not be allowed to pass the gates," or words to that effect?—No, I do not; I was not present on any occasion of the kind.

Was any correspondence between Colonel Davis and Lieutenant Colonel Bell, at any time between the period in the Charge, submitted to your perusal, or to that of the Committee of Officers you have mentioned?—I saw one Letter written by Lieutenant Colonel Bell between those periods; I saw a Letter from Lieutenant Colonel Davis and Mr. Cole, but I believe it was directed to the officers in the garrison, or the controlling power in the garrison. I am not certain whether Lieutenant Colonel

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Bell's Letters were to Lieutenant Colonel Davis, or to the Assistant Adjutant General, enclosing others.

Were you acquainted with the contents of all, or any of those Letters?—I must have seen some of those Letters; but without seeing them now, I could not speak to the contents.

Did you see any Answers to those Letters?—I cannot positively say, without seeing the Letter alluded to.

Was the Letter alluded to, that is, the Letter from Lieutenant Colonel Davis and Mr. Cole, laid before the Committee for their information, or to deliberate on?—It was laid before the officers from each corps, which had met that day; the day that I saw it.

Were Lieutenant Colonel Bell's orders ever disobeyed, to your knowledge?—No orders that Lieutenant Colonel Bell ever gave, to my knowledge, were disobeyed.

Do you conceive that Lieutenant Colonel Davis was restrained in the exercise of his Military Authority during his residence at Seringapatam?—I certainly do, because had he ordered the officers of the garrison to give themselves up prisoners, the men would neither have allowed it; or do I believe the officers would have obeyed it.

Was his authority in any way restrained?—Yes; so far, as his orders would not have been obeyed.

Did Lieutenant Colonel Bell in any manner, to your knowledge, ever signify his disapprobation of the meetings of the officers which you have mentioned?—No; I don't recollect having any conversation with Lieutenant Colonel Bell on that subject.

Was Lieutenant Colonel Bell present at any of those meetings of officers from different corps?—I never saw Lieutenant Colonel Bell at any of those meetings.

Judge Advocate:—Do you know whether Lieutenant Colonel Bell ever gave the Officers of the Garrison to understand, that he would carry into execution whatever plans they might think proper to adopt?—No, I do not.

Question from the Court:—Was the authority of Lieutenant Colonel Davis restrained by Lieutenant Colonel Bell, or the officers of the garrison?—I do not think the officers of the garrison would have either obeyed Lieutenant Colonel Davis or Lieutenant Colonel Bell, the agitation was so great.

The Court adjourns till 10 o'clock to-morrow morning.

Thursday, the 16th day of November 1809.

THE Court met pursuant to adjournment.

Members present as before.

Major *M^c^Dowall* is called into Court, and his Evidence of yesterday read over to him.

The Witness alters his Evidence, by saying,

I saw one Letter signed by Lieutenant Colonel Bell, Lieutenant Colonel Munro, and Major Kennedy, dated, I think, the 30th July, addressed to Lieutenant Colonel Davis, upon the subject of the alarm which existed in the garrison, begging he would use the influence of his rank and situation to interpose with Government.

The Witness also says, that Lieutenant Colonel Bell never was at any meeting which I attended; nor did I ever hear of his having attended any of the meetings. If he had, I am sure I must have been made acquainted with it.

Question:—Did Lieutenant Colonel Bell know the existence of those Committees in the garrison under his command?—Yes, he certainly must.

You have stated, that in the conversation with the officers on the morning of the 30th July, Colonel Davis at first acceded to their wish, with regard to remaining at Seringapatam; did he afterwards, to your knowledge, express any repugnance to remaining in that garrison?—He afterwards appeared very anxious to get to Mysore, saying that his health was in a very bad state. I never heard him express any repugnance.

Was it in the power of Lieutenant Colonel Bell to have permitted Colonel Davis to proceed to Mysore?—I don't know.

The Witness retires.

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WILLIAM MILLS, Conductor of Ordnance, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you present in the Garrison of Seringapatam, from the 30th July to the 23d August?—I was.

Who commanded in the fort?—To the best of my knowledge, Lieutenant Colonel Bell.

During the period stated in the Charges, how many guns were delivered from the Arsenal?—Two eighteen-pounders, brass; eight twelve-pounders, brass; and ten six-pounders, brass.

How were they disposed of?—I cannot say.

Was any communication delivered along with those guns?—Yes; issues were made daily, according as the ammunition was applied for.

On what voucher, and by whose authority?—I acted immediately under the orders of the Commissary; he ordered me to issue every thing that was applied for by order of the Commanding Officer.

In what manner was that order for the issues communicated to you?—The first order was from the Commanding Officer; afterwards, whenever an European or Lascar came from any of the posts on the island, issues were made to them.

Did you ever receive any order, signed by Lieutenant Colonel Bell, to issue ammunition?—Never.

Question from the Court:—Was the Commanding Officer's order communicated to you verbally, or in what manner?—Verbally to me, and the other Europeans of the department by Captain Brown.

Were the issues of ammunition delivered during the period in the Charges more than had been usually issued prior to that time; and was it ball or blank cartridge?—Certainly more: both gun and musket ball ammunition was issued. These issues were more than usual, unless on the issues on the annual indents.

Was the issues of ammunition according to usage; or was there any deviation from the usual mode?—There was a great deviation, because there were no vouchers for the issuing of it.

Were the guns brought back to the stores, and when?—No.

The Witness retires.

The Honourable ARTHUR COLE, Acting British Resident at the Court of Mysore, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—What situation did you hold under the Government of Fort St. George during the period stated in the Charge?—I was in charge of the Residency of Mysore.

Did you, as acting British Resident, address a Letter, in conjunction with Lieut. Colonel Davis, the officer commanding in Mysore, to Lieutenant Colonel Bell, and the officers in the Fort of Seringapatam, on or about the 3d of August last?—I did.

Is this Letter I now give you the one you allude to?—Yes, it is.

It is read, admitted, and is as follows:

To Colonel Bell, and the Officers in controul of the Fort of Seringapatam.

"Sirs,

"From the delay which has occurred, in your reply to the terms of Government (under date the 26th ultimo) explained to you in the first instance by Colonel Davis in person, and afterwards forwarded by Letter to Colonels Bell and Munro, and to Major Kenny; and from the seizure on the night of the 2d instant of a large supply of Company's treasure, together with the hostile march last night of a strong party of Sepoys with guns, &c. into the Mysore country; we with regret and horror conclude, that you determinedly intend to oppose Government at all extremities.

"You must be well aware that it is our decided resolution to support the authority of the British Government with our lives, our power, and with all the resources of the Mysore state. Anxious, however, to avoid a sanguinary contest with our countrymen, and many of our late friends, and heartily desiring to prevent an effusion of blood in this unhappy contest, we again come forward to exhort you to accept either of the terms prescribed to you; and, forgetting the personal indignities so

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repeatedly offered to us, and through us to our Government and our Country, we will assure you, that although we cannot controul the final decision of our rulers, we will submit the expression of our anxious hope, that the Honourable the Governor in Council may be pleased, even at this period, to consider you as equally deserving of his merciful consideration as those Officers who have retired from the force collected at the Mount, Madras, &c. whose conduct has not been marked by the same bold spirit of opposition which you have evinced. We remain your obedient servants,

(Signed) "*A. H. Cole*, Sr. Asst. in charge Mysore Residency.
"*Henry Davis*, Lieutenant Colonel, commanding Mysoor."

"Residency, August 3, 1809."

Judge Advocate:—Was any reply received to this Letter?—Yes.
Is this the reply?—It is.
It is read, admitted, and is as follows:

To the Honourable A. H. Cole, Acting Resident at Mysoor, and Lieutenant Colonel Davis, commanding in Mysoor.

"Sirs,

"We have had the honour to receive your Letters of yesterday's date; in that of Lieutenant Colonel Davis, which states that the communications received by Lieutenant Holdnall shall be laid before the Honourable the Governor in Council by to-morrow's dawn, we have a further assurance of your earnest and honourable desire to avert the evils which might ultimately arise from a conjuncture so unprecedented and extraordinary.

"With regard to the Letter bearing your joint signature, in which you comment upon demonstrations on the part of the garrison, which you denominate "hostile," we have the honour to state to you, that in consequence of the restrictions which the Mysoor Government thought proper to place on this Island, it became an imperious and indispensable duty on our part, to provide for the subsistence of the troops and inhabitants in this garrison and Island, in the view of averting the dreadful consequences which might be expected to result from a combination of circumstances so novel and alarming, as that of a British garrison being cut off from the means of support by a power in alliance with the British Government, and this too at a time when the state of the military was a subject of reference to the chief Authorities of Fort St. George.

"We do not read your expressions of "late friends," but with very sensible emotion, as we cannot meet you in the feeling which appears to have dictated it; and we lament exceedingly that you should complain of personal indignities having been repeatedly offered to you, while we are conscious of no sentiment stronger than respect for your characters and public situations, together with our ardent desire to preserve the integrity of the British Power in India.

"We may be permitted to notice intelligence which has reached us through various channels, but which we are anxiously disposed to discredit, that the Dewan of Mysoor has evinced an inclination and professed a power to seduce from their fidelity and attachment to their European Officers, the Sepoys of the Honourable Company's Army in this Division.

"Although strengthened by the disbelief of this extraordinary information, by the known character and integrity of the chief Minister of the Mysoor Government, and his uniform attachment to the British interests, we cannot without great apprehension and anxiety contemplate the mischief that may arise from the report even of such dreadful extremities being resorted to."

"We have the honour to be, Sirs,
"Your most obedient humble servants,

(Signed) "*Rob. Munro*, Lt. Col. 2d bat. 15th Reg. for himself and Officers.
"*D. C. Kenny*, Major, commanding 2d bat. 19th Reg. and Officers.
"*J. W. Freese*, Major, for himself and Officers of Artillery."

"Seringapatam, Aug. 4, 1809.

Judge Advocate:—Do you know whether Lieutenant Colonel Bell signed the Pledge of Obedience to the Government of Fort St. George, and on what day?—He did sign it; the paper was carried to the Residency by Lieutenant Oldnall, on either the 2d or 3d of August.

After the receipt of this Pledge of Obedience, had Lieutenant Colonel Davis, to your

your knowledge, any communication with Lieutenant Colonel Bell?—The only Letters I recollect, were one on the 3d, and one on the 5th of August I believe, until the correspondence which occurred when the fort was given up to the British Government.

Is this the Letter addressed on the 3d by Lieutenant Colonel Davis to Lieutenant Colonel Bell?—It is.

It is read and admitted, and is as follows:

To Colonel Bell.

"Sir,

"I THANK you for your communications; my heart and house and those of Mr. Cole are open to you, and whatever arrangement can convenience you, will be readily agreed to by yours, ob^{t},

(Signed) "*Henry Davis*, Lieut Col. Mysoor."

"Mysoor Residency, 3d August."

Judge Advocate:—Did Lieutenant Colonel Davis, to your knowledge, receive any Letter from Lieutenant Colonel Bell on the 3d of August, except that one in which the Pledge was forwarded?—I cannot say certain, that there was another Letter.

Will you look at this Letter, and say whether you recollect Lieut. Colonel Davis's receiving it, and also, if to the best of your knowledge it is in the hand-writing of Lieutenant Colonel Bell?—Colonel Davis did receive that Letter, and I believe it is in the hand-writing of Lieutenant Colonel Bell.

The Prisoner admits it to be in his hand-writing; it is read, and is as follows:

To the Officer commanding in Mysoor.

"Sir, Seringapatam, 3d August 1809.

"I HAVE repeatedly reported to you, and gave my opinion candidly and fairly rspecting what I thought would be the consequence, if the interested views of a few individuals at Madras were continued. I think I should not fulfil the obligation I owe my King, Country, and honourable Employers, did I not make another attempt to save British India, if possible. I have also the honour to report, from the late conduct of the detachment of His Majesty's 80th, that I cannot be answerable for their safety a moment, as their whole proceedings are seen and made known to the Artillery and Sepoys, &c.

(Signed) "*J. Bell*, Lieut. Col. Sen. Officer."

"Colonel Davis."

"I have written this in a hurry, and under great agitation."

Judge Advocate:—Can you from your own knowledge state any thing further relative to the Charge before the Court?—I had not any personal communication with any officer in the fort, till the arrival of Captains De Havilland and Cadell with the Flag of Truce. The Witness retires.

Major FREESE of the Madras Artillery, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you in the Fort of Seringapatam during the period stated in the Charge?—I was.

Do you know whether Lieutenant Colonel Bell received on the 30th July, a Letter addressed to him on that day by Lieutenant Colonel Davis, or by the Assistant Adjutant General Captain Webster?—I do not.

Who commanded in the fort that day?—Lieutenant Colonel Bell was the senior officer, but I believe there was a Committee who managed the affairs of the garrison.

Did Lieut. Colonel Bell know of the existence of such a Committee?—I don't know.

If you know that a Committee of Officers managed the affairs of the garrison, can you say whether that Committee ever told Lieutenant Colonel Bell that they were the supreme power in that fort, or communicated with him on the subject?—I do not positively know that there was a Committee, I only heard so.

Do you know whether a Letter was received, on or about the 3d of August, from Lieutenant Colonel Davis and the Honourable Mr. Cole, addressed to Lieutenant

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Colonel Bell and the Officers of the garrison?—A Letter was received on or about that time.

To your knowledge, did Lieutenant Colonel Bell read that Letter?—I never saw or heard him read it.

Did you see that Letter?—I did.

In whose possession was it when you saw it?—It was given to me, either by Lieutenant Colonel Bell or Captain Cadell.

Did Lieutenant Colonel Bell ever give you to understand that he knew the contents of that Letter?—As Lieutenant Colonel Bell or Captain Cadell either gave it to me to read, and there were only us three present when I read it, I concluded he must have seen it; and as well as I recollect, some remark was made about that expression of "our late friends."

Did Lieutenant Colonel Bell see the reply that was made to that Letter?—I do not know.

As that Letter was addressed to Lieutenant Colonel Bell and the officers of the garrison, why did he not reply to it?—To the best of my recollection, upon my asking that question, it was said that Lieutenant Colonel Bell had signed the Test.

Did Lieutenant Colonel Bell, on the receipt of that Letter, assemble the officers of the garrison, and inform them that he had either signed or intended to sign the Test?—Not to my knowledge.

Did he, to your knowledge, make any attempts to induce the officers under his command to sign the Pledge of Obedience to Government, and to desist from the line of conduct they were then pursuing?—I can only speak with regard to myself, he did not; I do not know that he did so with others.

Question from the Court:—Was you present when Lieutenant Colonel Bell signed the Pledge?—I was not.

Was it generally known throughout the garrison on the day of the signature?—I cannot speak positively.

From whom did you receive your orders during the period mentioned in the Charge?—I do not recollect having received any particular orders. I looked upon Lieutenant Colonel Bell as my Regimental Commanding Officer, as I before said. I understood the management of the garrison was in the hands of a Committee until the 5th or 6th of the month of August, I think; I am not positive.

Previous to the 5th or 6th of August, did you make any reports or returns to Lieutenant Colonel Bell, or during the period in the Charge?—All regimental reports were made to Lieutenant Colonel Bell.

Who gave out the Parole and Countersign previous to the 5th of August?—I don't know; I never saw it but in the Orderly Book.

Judge Advocate:—At what period, to the best of your recollection, in the month of August, were the Garrison Orders issued, directing a Field Officer of the day to mount on duty?—It was early in the month of August.

Did you mount as Field Officer of the day, and to whom did you report?—I did, and reported to Lieutenant Colonel Bell.

Did you see the Garrison Orderly Book of Seringapatam during the period of the Charge?—I don't recollect that I did.

On what day did you first come on duty as Field Officer of the day, to whom did you report, and what was the nature of the report you made?—I do not recollect the date I first mounted; I reported to Lieutenant Colonel Bell, and the nature of the report was merely the written reports of the officers of the different gate guards, and main guard.

Question from the Court:—By whom was the remark made about, "our late friends," when the Letter from Mr. Cole and Colonel Davis was communicated to you?—I do not recollect whether it was Lieutenant Colonel Bell or Captain Cadell. I might myself have remarked on it; I believe I did.

The Witness retires.

Judge Advocate:—The next evidence I have to lay before the Court, is a Letter from Lieutenant Colonel Bell to Lieutenant Colonel Davis, dated the 6th of August.

The Letter is read and admitted, and the prisoner acknowledges the signature to be of his hand-writing.

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To Lieutenant Colonel Davis, commanding in Mysoor.

" Sir, Seringapatam, 6th August 1809.

" FROM the present melancholy posture of affairs, I think it necessary to lay before you, for the information of the officer in command of the Coast-Army, and ultimately to Government;

" That on my return from furlough in February last, I soon learnt there was a most alarming ferment at the Presidency, by opposing parties; and not being able to form a judgment of the case, I immediately determined not to take a decided part, otherwise than giving an opinion when called on, what was in my conception most likely to bring those unhappy differences to a speedy and amicable termination.

" Notwithstanding the distressing Orders of the 1st May last, and the personal insult cast upon me in consequence, I have always continued that line of conduct most likely to prevent a loss of such consequence as the British interests in India.

" Since my arrival in this garrison, I have not had the smallest intimation from any authority of the objects Government have really in view; I have been treated with the greatest possible neglect, and an entire want of that confidence, which I should suppose my conduct, situation, and rank in the service, merited, has been studiously withheld from me.

" These circumstances have rendered it impossible for me to quiet the minds of the garrison, and to maintain that order and discipline, as I have before explained it to you, necessary to carry any point into effect.

" I hear from all quarters, of preparations making by the Mysoor Government of an hostile nature, and several acts have already been committed by the Mysoreans in direct breach of the Mysoor Treaty.

" You, Sir, who during the whole transaction have acted in the most indirect manner with me, have not deigned to inform me if such preparations and acts had the sanction of the Supreme Government, or the Government at home, whom I presume are alone empowered to transgress or alter any political measure or treaty in which the welfare and safety of the Empire is involved; nor has the Resident been more communicative than yourself.

" The position of this Fortress in the centre of the Mysoor kingdom, and in the vicinity of its Capital, demands that the reasons for giving it up to the troops of that country be known and well weighed, before they are listened to.

" The seniority of my rank has consigned the Fort and Island of Seringapatam to my charge and defence, and it behoves me, as I love my Country and my King, and as I value my Commission and character, not to resign it until I am warranted so to do by legal authority.

" I have been always aware, that the consequences of an illegal act can affect the person who commits it only, and when this principle has been so lately reiterated, through the medium of the General Orders, to every officer in the Army, as well by the Madras Government as by that of Bengal; there would remain no excuse for my conduct, were I, by surrendering this place, to act so directly contrary to those injunctions. It even makes me shudder to suppose that such a step might involve the nation to which I belong, in a long and sanguinary warfare; and that I should then have justly to reproach myself with the blood of my brother soldiers, from inattention to my duty, or, as some might suppose, intimidation.

" It may in times of war be expedient, to effect the object in view, that an officer in command should act by his own discretion, and he may be warranted in taking a place, before he has instructions so to do; or he may give up a place which has been taken during the campaign, and is not yet fixed by any treaty. But I presume it would be the act of a traitor only to abandon a Fortress of this importance attached by treaty to the British Empire, without legal authority, particularly in times of profound Peace with our neighbours, when the delay of a few weeks to obtain that authority, cannot be of consequence.

" I have therefore written to the Dewan of Mysoor, warning him of the part he is unwarily led to act. And I recommend it to you, Sir, and to Mr. Cole, to advise him to the same effect; for you may rely on it, that unless I am satisfied that it is the intention of the Supreme Government to deliver over this valuable part of the British possessions to a power, which from its situation we should be so jealous of; no

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effort, no attack will induce me to open the gates to its troops; and however moderate I wish to be, if the aggression on the part of the Mysoreans should continue, I may probably be induced, in my own defence, to repel it.

" It appears to be of the utmost consequence that you should forward by express this Letter to his Excellency Lord Minto, and communicate to me more fully than you have hitherto done, what the intentions of Government are.

" I have the honour to be, Sir,

" Your most obedient humble servant,

(Signed) " *J. Bell,* Lieutenant Colonel, Senior Officer."

Judge Advocate:—The next Letter is one addressed by Lieutenant Colonel Bell to Purneah, the Dewan of Mysoor.

It is read, admitted, and acknowledged by the Prisoner.—It is as follows:

To Pauniah Bahauder, Dewan of Mysoor.

" It is with the utmost surprise and regret I have received information of your having broken one of the principal Articles of the Mysoor Treaty with the honourable Company, Bahauder, without the authority and consent of the Supreme Government; and committed various other acts hostile to their interests, in stopping supplies to the British Garrison in Seringapatam, and cutting off all communication with it and the British Government. If these acts of aggression are not immediately repealed, I shall consider open hostilities to have been commenced by the Mysoor Government against the honourable Company, Bahauder."

(Signed) " *J. Bell,* Lt. Col. Sen. Officer."

A true Copy,

(Signed) *G. Cadell,* Town Major.

The reply to that Letter is now read, admitted, and acknowledged by the Prisoner. It is as follows:

(Copy) To Lieutenant Colonel Bell.

" Sir,

" I have received your Letter, and understand the contents thereof. I have to acquaint you, that the Governor General appointed a Resident in Mysoor, on the re-establishment of the Rajah to the musnud, in whose charge he is entirely placed. All that has been done, has been by his order, and I beg to refer you to him; should he give orders to the contrary, they shall be obeyed."

(Signed) " *Purniah.*"

A true Translation,

(Signed) *G. Cadell,* Town Major.

The next is another Letter to the Minister, dated the 8th August, which is read, admitted, and acknowledged by the Prisoner.—It is as follows:

(Copy) To Streemunt Purniah, Dewan.

Seringapatam, 8th August 1809.

" Since the receipt of your Le ter, various reports have reached me, of your having, in addition to your former aggression, caused the persons of European Officers and Native Troops to be seized; even individuals going on furlough to see their families. All this has been done by your orders, in spite of treaties, good faith, and the sight of God.

" I consider these additional insults offered to the British Government, and the honourable Company, Bahauder, and I feel myself in honour bound to seize on all your people in this fort, and to place under restraint, until such time as I receive orders from the Governor General to release them; or that by a change in your conduct, I shall be induced to alter my opinion of your intentions towards this fortress.

" I have likewise given orders to detain all property belonging to the Rajah or to yourself in this fort; that if you should commence the blockade, and not supply the garrison with the means of subsistence, I may have recourse to that property for the time being.

" Should, however, any of it be converted to the use of the garrison, it shall hereafter be regularly accounted for.

(Signed) " *J. Bell,* Lieutenant Colonel, Senior Officer."

Dispatched the 9th August.

A true Copy,

(Signed) *George Cadell,* Town Major.

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The reply to that Letter is now read, admitted, and acknowledged by the Prisoner.—It is as follows:

To Colonel J. Bell.

"Sir,

"I HAVE received your Letter, and observe the contents of it. I take the liberty to acquaint you, that I have no authority to do any thing myself; and that when the Mysoor Country was delivered over to the Rajah of Mysoor, and when he was placed upon the throne of Mysoor, a Resident was appointed over the Circar of Mysoor. I have conducted myself agreeably to his orders from that time, and have neither written to, or received Letters officially from any other Gentleman. I have not broken the treaty; and with respect to the houses, and property of the Rajah, my own, and his servants in the fort, they were kept there by the authority of the Governor General and General Wellesley; and since, by that of Colonel Davis, and Mr. Cole, now Acting Resident. The orders from those two Gentlemen I consider the same as those of the Governor General; and I hope to conduct myself to their satisfaction. I have informed them of the contents of your Letter: they will report it to the Governor General. I have never before seen two authorities in the British Government, and supposed there would be but one; and still think so. Our houses and property in the fort, are the property of the Lord of Bengal. We are all under his protection; and I have conducted myself to his satisfaction up to this day, and will I trust continue to do so in future."

"I have nothing more to add.

(Signed) "*Purniah.*"

A true Translation,

G. Cadell, Town Major.

The Court adjourns till 10 o'clock to-morrow morning.

Friday, the 17th day of November 1809.

THE Court met pursuant to adjournment.
Members all present.

Judge Advocate:—The next Letter I have to lay before the Court is one addressed on the 8th of August, by Lieutenant Colonel Bell to Lieutenant Colonel Davis.

It is read, admitted, and acknowledged by the Prisoner, and is as follows:

To Lieutenant Colonel Davis, commanding in Mysoor.

"Sir, Seringapatam, 8th August 1809.

"As I continue in the determination expressed in my Letter to you of the 6th instant, of not surrendering this fort, whatever attacks may be made upon it; and as I have within these two days received a report of an accession of European troops to the forces likely to move against this place; I find myself under the necessity of securing the Island against any possible surprise, by cutting the bridges on the Cauvery, which it is now my intention to do; but as the superintending Engineer has given his opinion, that after cutting the abutment of bridges of that construction, in the present state of the river, there is scarce a possibility that they should stand; unwilling to involve our Government or that of Mysoor into unnecessary expense, I have deemed it fit to make you this statement, that you may avert the calamity arising from the destruction of those edifices, by pledging yourself, as well as Mr. Cole the Acting Resident, and Purniah Bahauder, the Mysoor Dewan, on your words of honour, that until an answer is received from the Right Honourable Lord Minto, Governor General, to my Letter to you above mentioned, no force shall attempt to pass the Island; or by their approach to those avenues cause any alarm to the garrison; that also; until that time the Sepoys of the several guards at Mysoor, &c. belonging to the corps here, shall not to be tampered with, or any further measures taken to prevent their joining if they chose it."

"I have the honour to be, Sir,

"Your humble servant,

(Signed) "*J. Bell,* Lieutenant Colonel, Senior Officer."

Judge Advocate:—I now lay before the Court a Letter addressed on the 9th of August by Lieutenant Colonel Bell to the Right Honourable Lord Minto, Governor General.

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It is read, admitted, and acknowledged by the Prisoner, and is as follows:

To his Excellency the Right Honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

" My Lord, Seringapatam, 9th August 1809.

" IT is with the utmost compunction that I address your Lordship out of the usual channel, an expedient I never would have recourse to, were I not dictated to by the most imperious circumstances. I have used every endeavour to obtain Colonel Davis's confidence as well as that of the Honourable Mr. Cole, Acting Resident, but to no purpose, in order to learn what are the real intentions of Government in regard to this place.

" After having for several days observed preparations of an hostile nature round this place, and having been given to understand from various quarters, that the whole of the Mysoor forces and resources were about to be employed to reduce this Fortress, without being able to ascertain the authority for such measures, further than that they were encouraged and supported by the Acting Resident, and by the officer commanding the forces in Mysoor; I addressed a Letter to Lieutenant Colonel Davis on the subject, and in that Letter I communicated my determination to resist whatever force might appear before this place, until I was satisfied that the breach of the Mysoor Treaty had the approbation of the Supreme Government.

" Colonel Davis has not deigned to reply to my Letter. I likewise wrote to the Dewan of Mysoor, warning him of the consequence of the conduct he was induced to pursue, in order to avoid, if possible, the spilling of blood; but his answer was far from satisfactory.

" Your Excellency will perceive, in my Letter of the 8th instant to Lieutenant Colonel Davis, a further endeavour to prevent mischief, by informing that officer of my intention, in the event of an European force co-operating with the troops of the Dewan against this place, to cut the bridges over the river, a measure which might occasion the total destruction of those edifices.

" Copies of all these Letters I have now the honour to forward for your Excellency's consideration, together with one to Mr. Smith the Paymaster, which he has not replied to, and another to the Dewan of Mysoor, in consequence of a great number of small guards and other detached parties of Native Troops having been seized, disarmed, and confined by his orders; I therefore trust your Excellency will honour me with your commands, and instruct me in the line of conduct I am to pursue in this difficult pass, so as not to endanger the country, or to commit the character of the British arms."

" I have the honour to be, My Lord,

" Your Lordship's most obedient and humble servant,

(Signed) " *J. Bell*, Lieutenant Col. Sen. Officer."

10th August 1809, P. M.

" P. S. Since writing the above, an encampment has been formed to the north-east of this place, at the distance of about two miles and a half. I have not yet been able to ascertain what force it is, but suppose it to be the European corps from Bangalore. Every thing here is in readiness for the defence I am determined to make, until I receive your Excellency's instructions."

(Marked) " *J. B.*"

Judge Advocate:—I have now to lay before the Court three Letters, together with the Pledge of Obedience signed by Lieutenant Colonel Bell, all of which have been alluded to in the course of the Proceedings; but from not having received them until last night, it has not been in my power to introduce them in the order of time in which they would naturally stand.

They are read, admitted, and acknowledged by the Prisoner.

" My dear Sir,

" You having in the conference of this day expressed a feeling of discontent, under the idea that your orders would not be obeyed in this garrison, I have the pleasure to assure you, that every order from you shall be obeyed, which does not involve the safety of the Company's Officers. Whatever may be their actions in the present important

portant and emergent crisis, the whole of the Officers are anxious to assure you of their unalterable respect and esteem."

"Colonel Davis." (Signed) "*J. Bell.*"

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"My dear Colonel, Seringapatam, 31st July 1809.

"You must be perfectly aware of the state of the garrison, which I reported to you long since; and it is at the peril of my freedom to open any public communication."

"I am, my dear Colonel, your's sincerely,

(Signed) "*J. Bell.*"

"We, the undersigned Officers of the Honourable Company's Service, do in the most solemn manner declare upon our word of honour, as British Officers, that we will obey the Orders, and support the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commission which we hold from that Government."

(Signed) "*J. Bell*, Lieut. Col. Art."

To Lieutenant Colonel Davis, commanding in Mysoor.

"Sir, Seringapatam, 3d August 1809.

"I have the honour to transmit to you the Declarations of the Officers of this garrison, which I am sorry to say have now fully proved what I formerly stated to you."

(Signed) "*J. Bell*, Lieut. Col. Art. Senior Officer."

"N.B. I shall remain here while there is hope left of doing good, except I receive orders from you to the contrary: the detachment of the 80th, I have been commanded to direct should march to Bangalore; on enquiring the cause, I was informed it was occasioned by the conduct of Colonel Forbes at Cannanore."

(Signed) "*J. Bell.*"

Lieutenant Colonel GIBBS of His Majesty's 59th Regiment, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Did you receive any orders to march any body of troops to Seringapatam, in the month of August last?—Yes.

From whom?—From Colonel Davis commanding the Division, and also from the Quartermaster General of the Army.

What was the strength of your detachment, as to corps?—His Majesty's 25th Dragoons, eight companies of His Majesty's 59th Regiment, when I first marched, eight companies of the 1st battalion of the 3d Native Infantry, the 5th Regiment of Native Cavalry, with the exception of two troops left at this station. The Dragoons, Cavalry, and 59th Regiment, had their guns.

When did you arrive before Seringapatam?—I arrived before Seringapatam on the evening of the 10th of August.

Was the force under your command, either strengthened or decreased at the period of your arrival?—Three companies of His Majesty's 59th Regiment, under the command of Major M'Leod, had been detached to Mysoor.

Will you describe, to the best of your recollection, the nature of the position you took up?—I encamped, by positive orders from Colonel Davis, with the Locaney in my front; the centre of my camp was on the high road leading to Seringapatam, my left was opposite the Caraghaut Hill, and near to the river; on my right the Locaney ran round, and in my rear was a nullah, with deep paddy fields between the nullah and my camp. I was about a mile and three quarters by the road from the fort, and in a direct line from the fort could be reached by cannon shot.

Did you on the morning of the 11th, order any part of your force under arms, and if so, for what purpose?—On the morning of the 11th, between 10 and 11 o'clock, I heard firing, and ordered a patrole of Dragoons to reconnoitre, to ascertain what the firing might be. Almost immediately after, two of the Silledar horse belonging to his Highness the Rajah of Mysore, came to my tent, and reported the battalions from Chittledroog were approaching; that they had been engaged with them all the morning, and had two men killed and three horses. I ordered the line to

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turn out immediately; and formed my advance, consisting of one squadron of L. D. light company of the 59th Regiment, and one six-pounder, under the command of Major Carden of His Majesty's 25th Dragoons. Having made my disposition for the troops, and security of my camp, I joined the advance almost directly; as we got on to the Chittledroog road, I saw the battalions from Chittledroog take a bye-road to the right; they were followed by a large body of Silledar horse. I attempted with the advance, which had then been joined by another squadron of Dragoons, and the Grenadiers of the 59th, to cross upon these battalions, but was prevented by a very deep nullah impassable for a gun; I therefore ordered Major Carden with the two squadrons of Dragoons, and the six-pounder, to follow these battalions by the route they had taken; and to prevent bloodshed, to send forward an officer with a white flag, informing the officer who might command these battalions, that I could not admit of their advancing towards Seringapatam; that I was there with His Majesty's 25th Dragoons, 59th Regiment, and part of the Honourable Company's troops, but that I would allow them to return. I beg leave to say, I had not at that time received any orders from Government how I was to act, or from Colonel Davis, further than to prevent those troops coming into Seringapatam. My last orders to Major Carden were, "for God's sake overtake those battalions, and send a Flag of Truce to them;" they were then retiring in confusion, and keeping up a slack fire on the Silledar horse. I attempted with the two flank companies of the 59th Regiment to head them, but the ground was so bad, and so intersected with nullahs, that I did not arrive at a very deep nullah opposite Webb's Monument, until the business was over. During these transactions several shots were fired at us from the Fort of Seringapatam. It was reported to me by Captain Bean of His Majesy's 25th Dragoons, who was left in charge of the camp, that a body of troops had marched out of the garrison with 10 pieces of cannon, apparently to attack the camp.

After the business you have described was over, did you return to your camp?—Yes, immediately.

How long did you remain in the position you had taken up, and why did you move from it?—On the night of the 11th, or morning of the 12th, it was by my watch half past 12 o'clock, a heavy cannonade and bombardment commenced on our camp. The shells appeared to come from the pettah of Ganjam, the shot from the fort, or from the glacis of the fort. The fire lasted for about 20 minutes; I believe ceased for about 10 or 15 minutes, and commenced again; it then lasted perhaps a quarter of an hour. I am speaking to the best of my knowledge, for I did not time it. On this fire I was obliged to alter my position.

Were any of your detachment either killed or wounded?—There were no casualties in the Infantry Brigade; in the Light Dragoons, two horses on the out-lying picket were killed, one of them on the spot, and two so wounded in their loins as to be obliged to be shot next morning. One horse belonging to an officer, Captain Fawcet, was wounded so severely, that he was afterwards shot; and one belonging to Lieutenant Wade, 25th Dragoons, was slightly wounded. One grass-cutter killed, and one wounded; and some few tents were a good deal torn by the bursting of the shells.

The Witness retires.

Lieutenant RALSTON, of His Majesty's 25th Light Dragoons, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you with your regiment on the 11th of last August?—I was.

Where was the regiment?—Before Seringapatam.

Were you on duty at any time during the day or night of the 11th?—I was subaltern officer of the out-lying picket on the night of the 11th.

Do you know whether any shots were fired from the Fort of Seringapatam during the night of the 11th, or morning of the 12th?—About two o'clock at night, as near as I could guess, a firing of shot and shells commenced from the fort and neighbourhood, in the direction of our camp, which lasted about 40 minutes altogether. I had no means of ascertaining the exact length of time.

Were any men or horses of the out-lying picket either killed or wounded by any of these shots?—Two of the horses were so severely wounded that they were obliged to be shot next morning; no men hurt by the shot.

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Can you say whether any shrapnell shells were thrown from the fort?—I cannot say. The Witness retires.

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Judge Advocate:—I shall now lay before the Court a Letter, dated the 12th of August, and addressed by Lieutenant Colonel Bell to the Right honourable Lord Minto.

It is read, admitted, and acknowledged by the Prisoner. It is as follows:

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

"My Lord, Seringapatam, 12th August 1800.

"I AM sorry to inform your Lordship, that yesterday, so contrary to the wish I had frequently expressed to Colonel Davis of avoiding bloodshed, I was witness to a most distressing scene, without being able to avert the calamity.

"The approach of some of the Company's Native Troops was descried at about 11 o'clock in the forenoon, harassed and hard pressed by a large body of Poornea's troops. I endeavoured to cover them by the guns of the garrison, but they still proved too far off. I was surprised shortly after to observe some European Cavalry and Infantry, who had arrived the evening before, advanced towards them; and still more, when the former were said to have given the signal to the enemy to charge the Native Infantry; themselves joining in the general havock in a most determined and inhuman manner. The Sepoys were soon routed, and every man would probably have been put to the sword, had not some of them found their safety in a deep nullah; these made their escape to the fort, and the wounded have been brought in.

"These troops have proved to be part of the 1st of the 8th, and 1st of the 15th N. I. coming from Chittledroog. I have not yet been able to ascertain the number of casualties, but I fear they are above 200; the force employed against them is estimated at 3,000 men, besides the Europeans.

"Among the officers, Captain Macintosh of the 1st of the 8th is missing, and said to be wounded severely. Every assistance has been afforded those unfortunate corps, and means taken to restore their confidence.

"When the Europeans abovementioned arrived, and encamped before this place, I endeavoured, by sending out the Field Officer of the day, to communicate with them, but to no purpose; and as they had taken up a position near one of the principal fords, which made me suspicious of their intentions, I deemed it necessary to make them move off, by sending a few shells into their camp. I should, however, have avoided this act of hostility, had not the conduct of that force been outrageous in the morning; a circumstance which demonstrated their hostile determination, and which for the safety of this place obliged me to take these precautions.

"The force moved off this evening towards Bangalore, but probably only with the intention of crossing over to Mysoor.

"It is not for me to comment on these transactions; I have merely stated facts for your Excellency's information; but I cannot help repeating my astonishment at Colonel Davis's conduct towards me, after I had signed the Declaration, and assured him I was ready to obey any legal order; and at his thus persevering in forcing this garrison to extremity, by every means in his power, and not even replying to my Letters.

"I wait your Excellency's arrival at Madras with impatience, that I may learn what course I am to pursue.

"I have before had the honour to state to your Lordship the occurrences which have taken place here, but as the regular course of the tappal has been interrupted, your Excellency may not have received my communications.

"I have the honour to be, My Lord,

"Your Lordship's most obedient humble servant,

(Signed) "*J. Bell*, Lieutenant Colonel, Senior Officer."

Lieutenant Colonel *Gibbs* is again called into Court.

Judge Advocate:—Did any officer from the Fort of Seringapatam wait upon you at any time during the day of the 11th of August?—No.

Did you receive any communication from the fort on that or the following day?—On the morning of the 11th, just as the Silledar horse I have before mentioned came to my tent, a soldier of the 59th gave me a note, which he said he had received just at the side of Laconey, begging it might be brought to me.

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The Judge Advocate here gives the Witness a paper, and asks him if it is the Note; he says, "the purport of the Note is the same, but he cannot say positively whether it is the very Note he received."

Judge Advocate:—Can you, to the best of your recollection, say what the purport of the Note was?—To demand a conference.

Did you, at any time during the period stated in the Charge, accede to that demand?—I did not; but I was desired by Lieutenant Colonel Davis to write a Letter, saying to Lieutenant Colonel Bell and the Officers of the garrison, he would agree to a conference.

Is the paper I now give you a true copy of the Letter you wrote on the occasion?—It is.

It is read, admitted, and acknowledged by the Prisoner.

To Lieutenant Colonel Bell and the Officers in Seringapatam.

"Gentlemen, Camp, 13th August 1809.

"I HAD the honour of receiving your Letter of the 11th instant, which I judged it my duty immediately to transmit to the Officer commanding the Division. Lieutenant Colonel Davis has since arrived in camp, and assumed the immediate command; and he has directed me to say, that he will most readily meet any conference; for which purpose any two officers chosen from your body shall be met half way between Seringapatam and the camp, at any time to-morrow, by two officers whom Lieutenant Colonel Davis will appoint, each party pledging itself for the safe return of those officers."

"I have the honour to be, Gentlemen,

"Your most obedient humble servant,

(Signed) "*S. Gibbs*, Lt. Col. 59th Regt."

(A true Copy.) *George Cadell*, Town Major.

Judge Advocate:—Is this the Answer you received to that Letter?—This is the Letter I received in answer.

It is read, admitted, and acknowledged by the Prisoner.

To Lieutenant Colonel Gibbs, commanding H. M. 59th Regiment, &c. &c.

"Sir, Seringapatam, 13th August 1809, ½ past 4 o'clock P. M.

"I HAVE had the honour of receiving your Letter of this date, and have to inform you, that two officers of this garrison will be sent to-morrow morning at 10 o'clock, to the 4-mile stone on the Bangalore road, to meet the two officers Colonel Davis may think fit to depute thither.

"This is the Pledge for the safety of your officers; and your Letter above mentioned is considered in the same light towards those of this garrison."

"I have the honour to be, Sir,

"Your most obedient humble Servant,

(Signed) "*John Bell*, Lieutenant Colonel Senior Officer.

"P. S. I consider your Letter a Pledge for the Mysoreans also not molesting our officers while on that deputation."

Judge Advocate:—Who were deputed by Lieutenant Colonel Davis to meet the two officers from the fort?—Lieutenant Colonel Adams and myself.

State to the Court whether you met any officers from the fort, where, and what passed during the conference?—On the morning of the 14th at 10 o'clock, Lieutenant Colonel Adams and myself, at the 4-mile stone, met Lieutenant Colonel Munro and Captain De Havilland bearing a Flag of Truce; they were accompanied by Lieutenant Walker of the 8th Native Infantry, but who did not come to the conference: we informed those officers that we were deputed by Lieutenant Colonel Davis, and shewed our Authority in writing.

The Witness here gives in the Authority, which is read, and admitted, and is as follows:

"The Officers of the Garrison in Seringapatam, having on the 11th instant requested a conference with Lieutenant Colonel Gibbs, I have, after mature consideration, determined to comply with their request, and I hereby depute Lieutenant Colonel Gibbs of His Majesty's 59th Regt. and Lieutenant Colonel Adams of His Majesty's 25th Dragoons, to meet any two officers whom the Garrison of Seringapatam may think proper to depute, for the purpose of holding a conference. I am induced

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to take this measure from an earnest desire to prevent a further effusion of blood, and to put a stop to the many horrid consequences which are to be apprehended from a continuance of the existing state of affairs in Seringapatam.

(Signed) "*Henry Davis*, Lieut. Col. commanding Mysoor."

"Camp, August, 14, 1809.

Lieutenant Colonel *Gibbs* continues his statement.

We demanded theirs; Captain De Havilland replied, "that Colonel Bell had not thought it requisite, or had not furnished them with one;" he then went on to say "they had nothing to propose, had been deputed to meet because we wished it; that Seringapatam could not, would not be surrendered to the authority of Lieutenant Colonel Davis, or to the authority of Sir George Barlow; that there was no authority in India to whom it would be given up, but to that of the Governor General; that Lieutenant Colonel Bell sooner than surrender it to any other authority, would die under its walls or perish in its ruins:" one of these expressions were made use of. After this positive and solemn declaration from the officers officially deputed to meet us, I had nothing to offer. They then demanded us to pledge ourselves, that a Letter addressed to the Governor General of India, should pass our camp in safety, which we pledged ourselves it should. We seperated shortly after this. The Witness retires.

Lieutenant Colonel ADAMS of His Majestys 25th Dragoons, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you deputed by Lieutenant Colonel Davis, the Officer commanding in Mysoor, together with Lieut. Colonel Gibbs, to meet two officers from the Garrison of Seringapatam, at any time during the period stated in the Charge?—I was on the 14th August.

State to the Court whether you met any officer from the fort, when, and what passed?—I met Lieutenant Colonel Munro and Captain De Havilland, between 10 and 11 o'clock on the morning of the 14th. Lieutenant Colonel Gibbs shewed the authority by which we met, from Lieutenant Colonel Davis, and asked if they had any written authority from Lieutenant Colonel Bell; Captain De Havilland said, Lieutenant Colonel Bell did not think it necessary to give them any written authority, but that he was authorized by Lieutenant Colonel Bell to state, "that he did not consider the authority of Sir George Barlow or Colonel Davis sufficient to authorize him to give up the Fort of Seringapatam; and that he would deliver it up to none but the Governor General; that he would rather be buried under its ruins than do it," or some words to that effect; I dont recollect the exact words. Captain De Havilland then asked, "If we would allow a Letter to be sent to the camp from Lieutenant Colonel Bell to the Governor General, to be forwarded by Tappal from thence, as there was no Tappal from the fort;" Lieutenant Colonel Gibbs and myself promised it should be forwarded to the Governor General. I don't recollect any thing further that passed. The Witness retires.

Lieutenant GROVE of His Majesty's 80th Regiment, a Witness in support of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you on any day during the month of August the bearer of a Flag of Truce from Lieutenant Colonel Davis to the Garrison of Seringapatam?—I was, on the 13th of August last.

Did you get admittance into the fort?—I did.

For whom did you ask?—For the Commandant of the Garrison.

Who were you introduced to, as Commanding Officer of the Garrison?—Lieutanant Colonel Bell.

State what passed.—I was shown up to the room where Lieutenant Colonel Bell was, by Captain Pearce of the Artillery. I delivered to Lieutenant Colonel Bell a Letter which I had receive from Lieut. Colonel Gibbs; on delivering the Letter to Lieutenant Golonel Bell, he made an observation, that he wished it were in a better cause. He stated that he had written to Colonel Davis frequently, and that he had never deigned to answer him; and that he had particularly requested Colonel Davis to withdraw the troops, until an answer from Lord Minto had arrived,

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rived, relative to some paper that had been sent to him. Colonel Bell then said, it appeared to him, as if His Majesty or the King's troops wished to take possession of the country. I answered him, that His Majesty's troops were loyal subjects, or words to that effect; and that I thought it an extreme odd thing for him to state to me. I had no more conversation with Lieutenant Colonel Bell that I recollect.

Do you know whether any of the bridges on the island were in any way damaged or broke?—I do. I know that both the Bangalore and Mysore bridges were broke; the Bangalore was broken down the day I arrived. I passed over on a platform; I cannot say on what day the Mysoor bridge was broke down.

The Witness retires.

Judge Advocate:—I now submit to the Court two Letters, under date the 15th and 17th of August, addressed by Lieutenant Colonel Bell to the Right Honourable Lord Minto.

They are read, admitted, and acknowledged by the Prisoner; and agreeable to his wish, the Papers alluded to therein are also inserted, except the returns.

"My Lord, Seringapatam, August 15th, 1809.

"SINCE I had the honour to address your Lordship on the 12th instant, I received a Letter from Lieutenant Colonel Gibbs, of which No. 1. inclosed is a copy. The Note alluded to therein, was one sent in by the Field Officer of the day on the morning of the 11th, soliciting a conference with the Officer commanding the force which had encamped under the guns of the Island; but which had not then been listened to.

"Although the movement of that force several miles off, did away the immediate object of the conference, I thought it expedient that two officers should meet those sent by Colonel Davis, as well to inform the officers of that force of my intention to maintain this garrison until I should be honoured by your Lordship's commands; as to explain why their camp had been fired on, the night of the 11th; and to assure those officers of my earnest wish that no blood should be spilt.

"The officers selected for this meeting by Colonel Davis, were Lieutenant Colonel Gibbs of His Majesty's 59th, and Lieutenant Colonel Adams of His Majesty's 25th Light Dragoons: those by this garrison, were Lieutenant Colonel Munro of the 2d battalion 15th Native Infantry, and Captain De Havilland of the Engineers.

"In the interim, the officers of the corps lately routed, had drawn up a statement of the unfortunate occurrences, before related to your Lordship, as seen from the walls of the garrison, which paper was given to Lieutenant Colonels Gibbs and Adams; and Lieutenant Colonel Gibbs, who commanded the European troops on that occasion, returned a statement of his own, which he signed and pledged his honour to: copies of those two papers are here inclosed for your Lordship's consideration; and although, at a first view they do not appear to coincide exactly, it may be taken for granted, that the intentions of both parties were, not to give the first blow; nor will it perhaps ever be determined which actually did. It may be a question, whether what Mr. Jeffreys heard, in a scene of such confusion, was, to fire, or, not to fire; at the same time Mr. Jeffrey's wound stands in evidence; but he might have received that wound accidentally; either from the Sepoys, or from Purniah's people. One thing is however certain, that had the Europeans not appeared, the Silledar horse would not have successfully cut in upon the battalions. It may also be added, that it is almost impossible, that two armed forces should ever come in contact, without striking a blow, however willing they may be to avoid it; particularly, when almost under the guns of a garrison, which, under every circumstance, was the most improper place to attempt stopping the progress of those corps. I have before lamented this catastrophe; but I hope whatever may have been the views of the Madras Government, it was not to see the blood of any of the troops shed; and that a repetition of such scenes will never occur.

"I shall add, that at the same time Lieutenant Colonels Gibbs and Adams have been informed of my determination, they have been impressed with my wish not to spill blood; and I hope, that as far as it may lay in the power of those officers to prevent it, no aggression will be offered by that force until your Excellency's orders have been received. The Mysoreans, on the other side, still continue their preparations for an attack, but I trust my firm resistance in this instance, will prove a lesson to them never to attempt it again; and will shew them that even in its dila-

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pidated state, Seringapatam is not to be taken by a Native Power from a competent British Garrison. I need not awaken your Excellency to the consequences of my being disappointed in this expectation of holding out; this fort once taken by them, the Mysoreans would never hesitate attempting its capture again, whenever it suited their purpose; and it is possible, that with the confidence thus obtained, they might be successful, whatever was done to the fortification.

It is not easy for me to express my solicitude for your Excellency's arrival, on that account in particular.

I have the honour to inclose for your Lordship's information, a return of the details of the first Eighth, and first 15th Native Infantry, which have made their way into this Garrison, and copies of my former communications. It is needless for me here to repeat, that my reason for addressing your Lordship direct is, Colonel Davis having declined any further correspondence with me.

"I have the honour to be, my Lord,

"Your Lordship's most obedient and humble servant,

(Signed) "*J. Bell*, Lieutenant Colonel, Senior Officer."

To his Excellency the Right Honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

"We, the Officers of the first Eighth, and first Fifteenth, having heard that a gross misrepresentation of the affair of the 11th has been circulated, conceive it proper to make a full statement of facts.

"On our march from Chittledroog to this place, we fell in with a large body of Poorniah's Horse, who said they had orders to prevent our farther progress; but as our determination was fixed to reach this place, we told them plainly and clearly what the consequences would be if they attempted to stop us; they assured us, in return, that they did not wish to have recourse to hostile measures; their actions, too, shewed evidently that they did not, although they certainly remained near us constantly. On the morning of the third day, after first falling in with them, and within sight of Seringapatam, just as the corps had passed a little village beyond the French rocks, they cut in upon our baggage, and wounded some people, without the smallest provocation on our side; upon which we instantly prepared for our own defence, and to get into Seringapatam as soon as possible. From this time, till within a mile or two of the above place, we were constantly fired upon by the horsemen, which of course was returned. We had now every favourable prospect of reaching Seringapatam without much loss, (excepting the baggage) when the 25th Dragoons shewed themselves on the rising ground; immediately, some of these officers were seen to join a large body of Horse on our left, and after a short conference galloped off to their own Regiment, when the Horse and Dragoons immediately poured down on our rear. Very shortly before this, Lieutenant Walker held out a white flag, and approached an officer of Dragoons, who seemed to come forward to meet him, but without any flag that we could see. However, before they could come together, the Dragoon officer made off, and joined the party of the enemy in the rear, consisting of Pourniah's Horse, and the 25th Dragoons, when they instantly commenced cutting up our men, who were by this time completely exhausted with fatigue, although they still kept up a light fire on the Horse. The Dragoons were never fired upon till they joined the Horse, and were in the act of hostility.

(Signed) "E. Edwards, Captain 1st 8th N. I.—H. Degraves, Lieutenant.—H. Swain, Lieutenant and Adjutant.—Charles Walker.—F. K. Aiskill, Captain 15th.—W. Eyles, Ensign.—D. Carstairs, Lieutenant.—W. George Page, Lieutenant.—A. Denny, Lieutenant.—J. Berry, Ensign.—E. Craster, Ensign.—E. T. Hebgame, Ensign.—C. Snell, Ensign."

(A true Copy.)

"Seringapatam, 14th Aug. 1799. (Signed) *G. Cadell*, Town Major.

Lieutenant Colonel Gibbs's Narrative.

AT about eleven o'clock on the 11th instant, I went forward with the advances, consisting of a squadron of Dragoons, the light company of His Majesty's 59th Regiment, and a six-pounder, with a determined resolution of avoiding bloodshed, if possible. That on seeing the columns pressed and harassed by Purneah's Horse, I pressed forward, but was stopped by a very deep watercourse. I then directed

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Major Carden to go down to the fort, with two squadrons, one having since joined, and if possible overtake the column, directing Lieutenant Jeffries to push on with a white flag, to inform the officers commanding those corps, that I could not suffer them to proceed to Seringapatam, but only asked of them to return to Chittledroog. Major Carden did proceed with the utmost dispatch, and Lieutenant Jeffreys reports to me, that pushing forward with a white flag into the column, the Sepoys salamed to him; but that an European officer ordered some Sepoys to fire, and he, Lieutenant Jeffreys, was wounded in the face. Upon this the Silledar horse rushed forward, as did the Dragoons, on seeing their officer wounded.

During this operation I was myself advancing with the two flank companies of His Majesty's 59th Regiment, endeavouring to head the column, with the same intention of being preceded by a flag of truce. Finding myself stopped by a deep nullah, impassable for the Infantry, I swam my horse across, but it was too late.

(Signed) "*S. Gibbs*, Lieut. Col. commanding."

(A true Copy.) *George Cadell*, Town Major.

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

"My Lord, Seringapatam, Aug. 17, 1809.

"I HAD the honour to address your Lordship on the 14th instant, giving a statement of the affair which happened near this garrison, in which the 1st battalion 8th, and 1st battalion 15th N. I. were routed, and cut up by Poorniah's Horse, and a part of His Majesty's 25th Light Dragoons; but owing to the inevitable confusion, and the straggling manner in which those corps came in, I was unable to obtain correct returns of them, to forward with that Dispatch for your Excellency's information. I now have the honour to enclose one of each corps, by which it appears that 937 men, including Native commissioned and non-commissioned officers, have escaped from the slaughter of that day, including 171 who were brought in wounded; of which, however, three are since dead, and five recovered.

"The men of these corps have been armed and equipped in the best practicable manner, under existing circumstances, and are now doing duty in the garrison; but I am apprehensive, after what has happened, that they will never meet His Majesty's 25th Light Dragoons on friendly terms.

"I had feared this; and had Colonel Davis been pleased to concert with me, I should have stated to him the danger and inexpediency of the measure adopted to arrest the progress of those corps immediately under the guns of a strong garrison.

"In addition to what I stated to your Excellency in my last Letter, as to who had commenced hostilities on that unfortunate day, I beg to observe, as a proof of the aggression having been on the part of the Dragoons, that the Sepoys all complain that their officers had forbid their firing, attributing to it their present sufferings; and further, I have since been informed, that not a man or horse of the Dragoons was hurt on the occasion, a circumstance which alone shews, that they were not fired on by two battalions of Sepoys at the onset.

"I also omitted in my former Dispatch to state to your Lordship, that the troops of this garrison were fired upon by the camp, outside, on the morning of the 11th, while their advance was employed against the two battalions; which encampment might have been readily destroyed by us, had we been disposed to a retaliation.

"I trust your Excellency will give these particulars your consideration; and that on your arrival at the Presidency, your Lordship will pursue such measures as your wisdom may dictate, to restore the minds of the Army to their wonted tranquillity, if it is still possible to accomplish it, which can alone ensure to the British Empire its Eastern possessions."

"I have the honour to be, my Lord,

"Your Lordship's most obedient and humble servant,

(Signed) "*J. Bell*, Lt. Col. Senior Officer."

The Honourable Mr. *Cole* is again called into Court, and examined on his former oath.

Judge Advocate:—Did you, at any time within the period stated in the Charge, send into the Fort of Seringapatam a Letter from the British Resident at Hyderabad?—I did, on or about the 20th.

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For what reason?—It was a Letter enclosing an Address from the Officers of Hyderabad to the Garrison of Seringapatam, informing them, that they had themselves submitted to the authority of Government; and requesting the Officers of Seringapatam to follow their example, or to that effect.

What was the immediate consequence of that Letter?—The arrival next day at the Residency of Captains de Havilland and Cadell with a flag of truce, to inform us that the Officers in the fort were preparing an Address to demonstrate their submission to Government; and requesting that all hostile preparations might be suspended till the arrival of that Address.

The Judge Advocate here gives the Witness three Papers, which the Witness says, he believes to be the papers Colonel Davis received. They are read, admitted, and acknowledged by the Prisoner, and are as follows:

To Lieutenant Colonel Davis, commanding the Forces in Mysoor.

"Sir, Seringapatam, 22d August, 1809.

"I HAVE the honour to transmit to you the Address and Declarations of the Officers of this garrison, intimated to you yesterday by Captains de Havilland and Cadell, which I request may be forwarded to His Excellency the Governor General."

"I have the honour to be, Sir,
"Your most obedient and humble servant,
(Signed) "*J. Bell*, Lieut. Col. Sen. Officer."

To his Excellency the Right honourable Gilbert Lord Minto, Governor General, &c. &c. Fort St. George.

"My Lord,

"WE, the undersigned Officers composing the Garrison of Seringapatam, impressed with a sense of the dangers that threaten the country, and not less actuated by those pure sentiments of loyalty and patriotism we have never departed from, rejoice at the opportunity now afforded us, to assure your Lordship of those feelings, and convey to your Excellency an unequivocal proof of them.

"We have received, through the Honourable A. H. Cole, acting Resident at Mysoor, a communication from Captain Thomas Sydenham the Resident at Hydrabad, purporting "that our brother Officers composing that force have come to a resolution of taking no further steps, and have pledged themselves to abide implicitly by your Lordship's decision; relying on your Excellency's justice, wisdom and clemency, and earnestly appealing to your Lordship's generosity, to grant them, and those concerned in the late unhappy event, a general Amnesty.

"We were induced to refuse our signatures to the Declaration of the 26th July last, from the state of alarm we were then in, occasioned by the manner in which that Paper was tendered to us by Lieutenant Colonel Davis; the various reports then prevalent, and the horrible prospect open to us, of being shortly employed against our brother officers, many of them our relations.

"We now come forward to offer to your Excellency that test of our duty, and attachment to our King and Country (from which we have never swerved) the moment we have learned that we cannot be employed in the manner above-mentioned, so repugnant to humanity, and to the feelings of a British soldier. And we now, in imitation of the officers of the Hyderabad Force, rely with confidence upon your Lordship's justice, wisdom and moderation, to grant to us, and to all who have been concerned in the late unhappy events, a general Amnesty.

"We have the honour to be, my Lord,
"Your Lordship's most obedient and humble servants,

(Signed) "R. Munro, Lieut. Col. 2d bat. 15th Reg.—J. W. Freese, Major 1st bat. Artillery.—Andrew M'Dowell, Major 15th Reg.—D. C. Kenny, Major 2d bat. 19th Reg.—W. G. Pearse, Capt. Lieut. 1st bat. Art.—George Cadell, Captain.—J. Briggs, Lieut. Art.—B. Mackintosh, Lieut. Art.—T. Birt, Lieut. Art.—F. Derville, Lieut. Fireworker 1st bat. Art.—David Scot. Surgeon 1st bat. Art.—A. P. Russell, Ensign.—A. Bell, Ensign.—H. Stuart, Lt. Fireworker 1st bat. Art.—A. Crawford, Lieut. Fireworker, 1st bat. Art.—D. Carstairs, Lieut. 1st bat. 8th Regiment.—H. Swain, Lieut. and Adj. 1st bat. 8th Reg. N. I.—H. Wahab, Lieut.

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2d bat. 19th Reg. N. I.—T. F. De Havilland, S. E.—A. Denny, Lieut. 8th Reg.—C. Bishop, Capt. 2d bat. 19th Reg. —James C. Hurdis.—J. H. Jones, Surgeon.—D. Donaldson. —W. Peyton.—J. S. Baker, Lieut. 1st bat. 8th Reg.—J. Mansell, Ensign 2d bat. 19th Reg.—H. R. King, Ensign 2d bat. 19th Reg. —F. K. Aiskill, Captain 15th Regt.—J. Turner, Captain 15th Reg.—E. Pateshall, Lieut. 1st bat. 15th Reg.—T. Addison, 8th Reg.—G. Mather, Assist. Surg. 2d bat. 15th Reg.—James Hume, Captain.—C. Snell, Ensign 15th Reg.—E. Craster, Ensign 1st bat. 15th Reg.—E. Edwards, Captain 1st bat. 8th Reg. N. I. —A. M'Cormick, Ensign 2d bat. 15th Reg. N. I.—H. R. Cazalet, Ensign 1st bat. Art.—H. Degraves, Lieut. 1st bat. 8th Reg. N. I. —James Noble, Lieut. 2d bat. 15th Reg. N. I.—C. T. Hibgame, Ensign 1st bat. 15th Reg. N. I.—W. Eyles, Ensign 1st bat. 15th Reg.—S. Townsend, Lieut. 2d bat. 15th Reg.—C. Charlesworth, Ensign 2d bat. 15th Reg.—J. Napier, Lieut. and Adj. 2d bat. 15th Reg.—A. Limond, Captain 15th Reg."

"Seringapatam, 21st August, 1809."

"We, the undersigned Officers of the Honourable Company's Service, do, in the most solemn manner, declare upon our word of honour as British Officers, that we will obey the Orders, and support the authority of the Honourable the Governor in Council of Fort St. George, agreeably to the tenor of the Commissions which we hold from that Government."

(Signed) "R. Munro, Lieut. Col. 2d bat. 15th Regiment.—A. M'Dowell, Major, 15th Regiment.—T. F. de Havilland, Capt. Lieut. Eng. Sup.—J. W. Freese, Major 1st battalion Artillery.—D. C. Kenny, Major 2d bat. 19th Reg.—George Cadell, Captain T. M.— W. G. Pearse, Captain Lieut. 1st bat. Art.—J. Clemons, Ensign Artillery.—T. Bird, Lieutenant Artillery.—J. L. Williams, Lieut. 1st bat. 15th Reg.—J. Briggs, Lieut. Artillery.—G. Mather, Assist. Surg. 2d bat. 15th Reg.—W. Eyles, Ensign 1st bat. 15th Reg. N. I.—C. Craster, Ensign 1st bat. 15th Reg.—S. Crawford, L. F. W. 1st bat. Artillery.—A. Bell, Ensign, doing duty with Artillery.—J. Hume, Ensign 2d bat. 15th Regiment—H. Wahab, Lieut. and Adjutant 2d bat. 19th Reg. N. I.—C. Bishop, Capt. 2d bat. 19th Reg. N. I.—W. H. Ridding, Lieut. 2d bat. 19th Reg.—D. Donaldson, Ensign.—H. R. King, Ensign 2d bat. 19th Reg. N. I.—L. Addison, Ensign 8th Reg.— J. D. Brown.—J. Scarman, Surgeon.—S. M. Stephenson, Assistant Surgeon.—J. Turner, 15th Reg.—B. Mackintosh, Lieut. Artillery.—A. Limond, Captain.—E. S. Patteshall, Lieut. and Act. Adjutant 1st, 15th Reg.—H. Swain, Lieut. and Adjutant 1st bat. 8th Reg. N. I.—S. Townsend, Lieut. 2d bat. 15th Reg.— A. Denny, Lieut. 1st bat. 8th Reg.—F. K. Aiskill, Captain 1st bat. 15th Reg.—C. Charlesworth, Ensign 2d bat. 15th Reg.— D. Kinnon, Lieut. 2d bat. 15th Reg.—R. Rolleston, Lieut. 2d 15th.—H. Y. Kent, Lieut. 2d bat. 15th Regiment.—J. Michael, Lieut. 2d bat. 1st Reg. N. I.—J. C. Hurdis, Captain 2d bat. 19th Reg. J. H. Jones, Surgeon.—W. Peyton, Ensign.—J. H. Baker, Lieutenant 1st bat. 8th Reg.—S. Mansell, Ensign 19th Native Infantry.—W. H. Loftie, Captain 19th N. I.—C. Simson Assistant Surgeon.—C. Snell, Ensign 15 Reg.—J. Napier, Lieut. 15th Reg.—E. Edwards, Captain 1st bat. 8th Reg.—H. R. Cazalet, Ensign 1st bat. Artillery.—J. Noble, Lieut. 2d bat. 15th Reg.—A. M'Cormick, Ensign 15th Reg.—H. Degraves, Lieut. 1st bat. 8th Reg.—E. T. Hibgame, Ensign 1st bat. 15th Reg."

"Seringapatam, 21st August 1809."

The Witness retires.

Lieutenant Colonel *Gibbs* is again called into Court.

Judge Advocate:—On what day in the month of August last was the Fort of Seringapatam taken possession of by His Majesty's troops, and in what manner?—On the 23d of August, I marched into the garrison with three hundred men of His Majesty's

Majesty's 59th Regiment, where I met Colonel Davis, who had taken possession, with three companies of the 59th Regiment, in the morning. No. 7.

Judge Advocate:—I now close the Prosecution, reserving to myself the power of reply, should it be necessary; and the Prisoner being called upon for his Defence, requests until Thursday next to prepare it. The Court accordingly adjourns till 10 o'clock on Thursday morning, the 23d instant.

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Thursday, the 23d day of November 1809.

THE Court met pursuant to adjournment.
Members all present as before.

The Prisoner being called upon for his Defence, states, that although every attention has been paid to the forming of his Defence, it has not yet been prepared; and he therefore requests a further indulgence till Tuesday morning. The Court accordingly adjourns till Tuesday morning the 28th November, at 10 o'clock.

Tuesday, the 28th day of November 1809.

THE Court met pursuant to adjournment.
Members all present as before.

The Prisoner is called upon for his Defence, and submits a request that his friend Mr. Marsh may be permitted to read his Defence; the Court is closed, and this request being taken into consideration, they resolve, as they cannot but look on Mr. Marsh as Counsel, it is contrary to the general usage of Courts Martial.

And the Court being opened, the foregoing is read to the Prisoner; and he is at the same time informed, that any other friend may read his Defence. The Prisoner then submits to the Court a further request, that he may be allowed an indulgence of two days to procure some person capable of performing that duty. The Court is again closed; and when opened, the Prisoner is informed, that his latter request is complied with. The Court accordingly adjourns till Friday morning the 1st December, at 10 o'clock.

Friday, the 1st day of December 1809.

THE Court met pursuant to adjournment.
Members all present as before.

The Prisoner being called on for his Defence, states to the Court, that Mr. Marsh does not attend as counsel but as a friend; and this point having been ascertained to the satisfaction of the Court to be the fact, the Court permit Mr. Marsh to read the Defence.

DEFENCE.

"Major General Warde, and Gentlemen of the Court-Martial,

"I HAVE looked forward with some impatience to the opportunity which is now afforded me of making my Defence. I pretend not to that philosophy, which sometimes renders a man who is conscious of innocence unmoved under accusation. My life, my honour, and all that is dear to a man who has hitherto lived without blame or reproach, are involved in its issue.

"*But there is one circumstance in this proceeding, which is a matter of congratulation; I mean, the revival of Courts Martial to determine on military accusations; for they afford to the honour and reputation of an officer a better security than those secret enquiries, or rather that arbitrary discretion acting without any enquiry at all, to which the most innocent and meritorious individual was not long since exposed; without the means of confronting his accuser, or even of knowing his accusation.*

"The present proceeding brings with it this also of consolation and joy, that whatever solicitudes I may feel, or whatever difficulties I may encounter, I am tried by men, on whom the laws of honour and the obligations of conscience impose a duty as binding, and guarded by sanctions equally as sacred as the solemn oath which they have taken. *When I look around me and see who they are that constitute this tribunal, I know that I am safe from that proscription, which a few*

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months back overhung the Army, and diffused a gloom over public and private life, and which, subverting all the rules of reason and justice, inspired innocence itself with the terrors of guilt. Before such a Court, therefore, I can feel nothing beyond those anxieties to which every man must be subject, who has to deliver himself from a Charge affecting his dearest and most important interests.

" Referring to the Charge, you will perceive, Gentlemen, that it imputes to me the highest of military offences. Nor will you think me unreasonable in demanding the ordinary privilege of every accused man, that in proportion to the magnitude of the crime with which he is charged, or the penalties to which it is subject, the evidence against him should be clear, precise, and uncontradictory; that it should leave no doubt concerning that, which is the essence of every crime, the guilty intention; as well as the overt acts by which that intention is to be inferred. The common-place but humane maxim, that every man is presumed to be innocent till the contrary is proved, is not more founded in truth and in equity, than that which flows from it as a consequence and a corrollary; that the probabilities of innocence are increased in proportion to the atrocity of the offence. In my own instance, this maxim will be allowed perhaps an additional authority, when you throw into the scale of these rational and humane presumptions, my long, laborious, and faithful service; a character to this moment unimpeached; a rank in the Army too high, and an experience of military duty too deeply impressed and too gradually acquired, to render it easy of belief, that at this period of my life I should have placed myself at the head of a dangerous and alarming Mutiny against the Government I had so long served with fidelity and honour.

" It is not, however, upon presumptions that I will lean. I will rest my Defence upon the evidence, and the conclusions which that evidence will enforce on your enlightened minds; challenging only the privilege, which every upright judicature permits to the accused, of bringing the evidence against him, to the test of a legitimate but strict and severe inquisition.

" And while you are guided by these rules, towards that inference on which my fate depends, you will I am sure consider the intention with which the acts imputed to me were committed, as a question of paramount importance. The inverse of this proposition, would lead to consequences, as abhorrent from justice as common sense. Mutiny, without a mutinous intention, is an absurdity in language as it is in law. To separate the qualities of the act from the intention of the agent, to select for crimination naked and insulated facts, abstracted from the designs of the heart or the contemplations of the mind, torn from their context, and stript of their relations; would confound the eternal and immutable distinctions between right and wrong. But I will not insult your understandings by topics so clear and indisputable. Acquainted with the world and its affairs, and knowing how often it happens that human nature is thrown into a conflict of duties, and beset by motives of almost equal though contradictory impulse; I need not apprehend that you will adopt that rule of judgment which, in pronouncing upon human actions, excludes all consideration of difficulties by which they were prompted, or the exigencies out of which they arose. In this respect, I might justly complain of the manner in which the facts stated in the Charge have been urged against me. But the cause of the Prosecutor required the suppression of all, which preceded and produced the dreadful exigency under which I acted. In this Charge, and in the extraordinary Address which the Judge Advocate has read to you, the overt acts stand alone, as if they were unaccompanied by any circumstances, to explain, to palliate, or excuse them; or, what is of more consequence, by any necessities to urge or authorize them.

" I shall hereafter submit to you a few comments on the evidence which has been adduced against me. I shall extract from that evidence, fairly and without sophistry, the proofs and presumptions of my innocence. I shall state also the testimony I have to produce on my defence. But in order that the whole of my conduct, connected with the late unhappy events, may stand before you, I shall, in mere justice to myself, take it up from a somewhat earlier stage; that from the whole series of my acts, the whole series of my intentions may be reflected as in a mirror before you. I shall do this with simplicity, but with truth. If it is necessary to shew that measures, in which I had no concern, tended to produce the unfortunate emergency in which I was placed, I shall advert to them, as far as my Defence requires it. I shall abstain from all further animadversions on them. I shall not question their wisdom, or their expediency; but I shall trace them, as constituting in part the causes which produced the agitations, errors, and calamities of the late troubled period;

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period; as having led to a most unexampled crisis in the affairs of British India; and generating with new circumstances, new rules of conduct for those who had the peace and discipline of the Army at heart, and were anxious to prevent the effusion of blood in civil and domestic warfare.

" And here, it is not foreign from the strict law and condition of my Defence, to observe, that acts of mutiny' against the State, committed by a man of my standing in the service, would, in common probability, have been the offspring of that spirit of combination and systematic resistance to the Government, which the Judge Advocate stated to have been prevalent in the Army antecedently to the dates specified in the Charge. A mutinous insurrection against the legal authorities, would more probably have been meditated by those, who having taken an early part in this commotion, had been tinctured with its passions, than by one who, studiously kept aloof from it, of one who, on every occasion, urged the duty of submission to the local Government, wherever his example or remonstrance could influence; and who was wholly disconnected with those who resented, what they deemed, the wrongs of the Army. It is out of the ordinary course of belief, that such a man should on a sudden belie the whole tenor of his conduct, and forerun the authors of this disturbance, by placing himself at the head of a Mutiny; when in the heats and agitations which produced it, he never in the slightest degree sympathized, or participated. It is fitting therefore, that you should know what was my deportment, prior to the date of these Charges; that you may the better see the dispositions and character of the man who is now dragged as a Mutineer before you.

" I arrived from England late in February last. What have generally been considered as the predisposing causes of this dissension, the quarrel of General Macdowall with Sir George Barlow, and the removal of the Adjutant General and his deputy, for issuing the orders of their Superior Officer, had already taken place. I found a most unhappy altercation had already begun between Sir George Barlow and the Company's Army: of these feelings I did not partake: I found them indeed too generally diffused, and too deeply impressed to be within the reach of my remonstrances; but on every occasion where remonstrance could influence, I uniformly recommended the patient reference of the real or imaginary grievance, to the superintending authority at home. I was told, that if I was seen at Sir George Barlow's table, I should be disgraced in the eyes of the Army, and cut off from all intercourse with my brother officers. I dined with Sir George Barlow, notwithstanding this denunciation. I was told, that if I carried on the common offices of politeness with Colonel Munro, the Quartermaster General, I should be subject to the same penalties. I openly renewed my acquaintance with Colonel Munro. These dissensions I considered wholly foreign to me. If my mature standing in the Army, or habits of ancient friendship and mutual respect, gave any authority to my opinions, or weight to my admonitions, they were not suppressed; or languidly urged, in recommending obedience, peace, and discipline. I signed no Address, no Memorial: such were the intentions which I cherished. It is not easy to bring them in regular proof before you: they are seen only by those eyes to which alone the workings of the human heart are visible. But professing no other purpose but that of inculcating by advice, and enforcing by example, the necessity of submission and of discipline, it is your province to see whether in any subsequent passages of my conduct, and even in those which stand recorded as matters of crimination against me, I have voluntarily turned aside from the paths on which I set out; and whether even the worst of those acts, which, abstracted from my motives, would give some colour to the accusation, may not be reconciled, upon genuine and legitimate principles of judgment, to the moderation and forbearance by which I proposed to govern my conduct, as soon as I perceived the agitations of the Army.

" I dwell the more anxiously on this topic, because a Letter has been put in evidence against me, which I wrote on the 6th of August to Lieutenant Colonel Davis, in which I insisted on the uniform moderation of my conduct, and adverted to the Order of the 1st May, as one of the causes which led to the disorder then prevailing in the garrison. I do not meddle with the expediency or justice of that Order. But it is a necessary part of my Defence, to remind you, that not only in the Garrison of Seringapatam, but through the whole Army, it had generated, if not sentiments of revolt, a spirit of sullen disobedience, which gradually ripened into resistance; and that resistance was carried on by means of an extensive combination, animated with all the

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energies of despair. *The Army saw their most revered and beloved officers, endeared to them by the participation of common service, and of common peril, sent by the stroke of a pen into exile and degradation, without trial or enquiry. At the mercy of informers whom they could not confront, they were delivered over to the often doubtful chance of vindicating their characters before the Court of Directors, against the weight, authority, and influence of the local Government. To many, this was a sentence of death; because, that is a sentence of death, which stripped life of its consolations and supports. Innocence itself trembled. From the penitent, it cut off the possibility of return. It inflamed the guilty with the violence of despair. It was considered as a virtual deprivation to the Army of their right to trial by Court Martial; a right given them by a positive Act of Parliament yet unrepealed; and of which they could not be divested without a gross violation of law. It was considered, (with what justice is hereafter to be determined) that the sending officers to England who had not been judicially cashiered, was a power which was not sanctioned by any of the acts for the regulation of our Government in India; and which was contrary to the spirit of all of them. They saw, in the fate of others, their own fortunes and reputations laid prostate at the feet of spies and informers; who are always the meanest, the lowest, and most abandoned of God's creatures.*

" If the opposition to the local Government had been confined to the walls of Seringapatam, and had manifested itself in no other part of the Army, I should not perhaps be entitled to any benefit from this topic. But if no portion of this immense Establishment was uninfected, the difficulties I had to contend with, and the embarrassments into which I was thrown, ought not, and I trust will not be excluded from your consideration. Let me observe, that the key of my conduct, in every part of this transaction, was the great peril before my eyes, which I was anxious to avert. I steered myself by this course. I endeavoured to discharge my duty to my Sovereign and my honourable Employers, by averting from this part of the Empire the most portentous evils by which it was ever threatened.

" Whatever discontent was produced by this Order, as I insisted in the Letter now in proof, it received from me neither an helping hand nor an encouraging voice. Then, and to the very last, I felt no anxiety but for the peace and discipline of the Army. It were an endless task to enumerate the various irritations and discontents, which diverging as it were from different points, at length terminated in the result, which form the subject of these Proceedings. The memorable business at Masulipatam, which has been slightly alluded to in the course of the evidence, is a matter of perfect notoriety. *Whether the measures were wholesome or otherwise, I must repeat, is a question with which I do not interfere. It is sufficient, that they were causes adequate to the production of those unhappy effects, which every wise man foresaw, and every good man must regret.* I am almost tired of wading in these waters of bitterness. I cannot however forbear to touch on the measure of the 26th July at the Mount; because, by turning to the evidence of Major M'Dowall, you will observe, that it connects itself with the subject of this enquiry. It is proved, that that measure, which was neither more nor less than that of seizing the officers of the Native Corps by surprise, and separating them from their corps, on their refusal to sign a Test, had contributed to the agitation in the garrison, an agitation, as he has distinctly proved, not confined to the Europeans, but shewed by the Native Corps of the garrison. I advert to that measure at present, only as a link in the chain of causes which impelled those dreadful necessities; for having encountered which, according to the best of my judgment, I stand now charged as a Mutineer before you.

" I have thus deemed it a justice, which I owed myself on this awful occasion, to impress on your minds, that amidst the encreasing agitations of the Army, I kept uniformly aloof from all league and combination against the Government. By example, by authority, by entreaties, I endeavoured to appease the minds of those over whom I had the slightest influence. Not a single document or fact has been brought forward to shew, that prior to the date of these charges, I shared in the discontents of the Army, or took any part in the expression of them, by signing any of the various Addresses and Memorials in which the sentiments of the Army were circulated. I mention the circumstance, to shew the improbability of that sudden transition of conduct which must be imputed to me, if the allegations of this Charge are believed. It is irreconcileable to the ordinary motives of human action, that as a man, who down to so late a period had abstained from all active participation in the proceedings of the public body to which he belonged, and who does not appear,

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by any act or expression, to have caught the contagion of their passions, should suddenly place himself at the head of the Mutiny you are now investigating. A Mutiny against the Government, would have advanced gradually, and not have jumped suddenly from the most passive submission to the most complete resistance.

" Having made these preliminary observations, the length of which will find its apology in the serious character of these Charges, and the duty I owe myself, of resorting to every rightful topic of vindication; I shall now proceed to shew, that the Evidence for the Prosecution has not only left the charge of Mutiny unsubstantiated, but that it completely negatives and contradicts it; claiming only that enlarged and liberal interpretation, which every candid mind must be disposed to put upon acts, considered in reference to the necessities by which they were impelled, and the spirit and intention from which they proceeded. I shall endeavour to do this, according to the course the Prosecutor has taken, and under the distinct heads into which the Charge is divisible; at the same time, urging those reasonings and those statements which are material to my Defence.

" You will observe, that I am charged with having headed " a most dangerous and alarming Mutiny and Sedition," which took place within a specified period, And during that period, three specific overt acts are charged to have been committed, as illustrative of the Mutiny which I had headed and joined; the seizing of the public Treasure; the firing of the Troops; and the refusal to deliver up the Garrison to the proper Authorities. You will perceive, that to substantiate this Charge against me, my active participation and concurrence in the alleged Mutiny must be established. I am not charged here for not having taken prudent measures to quell a sedition carried on by others; or for not having prevented acts in which I did not myself concur: But it is of the essence of the crime imputed to me, that my heart and soul were engaged in the Mutiny, and in the mutinous acts by which it is manifested. In proving, therefore, such a Charge, the grand and presiding principle of all criminal jurisprudence, and which I am sure is present to your minds, will secure me from the effect of evidence which is only applicable to others. I have studiously abstained from interposing objections, when this sort of testimony was adduced. For I was well aware, that whilst the Court evinced an honourable and laudable solicitude to omit no enquiry, how remote soever in its application, that tended to elucidate these transactions, it would have looked as if I had been willing, by objections, to suppress or shut out important and relevant testimony. The Court will, however, do me the justice to acknowledge, that I have given no interruption to the enquiry, even where the proof has not exactly corresponded with the rules of evidence. I have thought it beneath me to rest my Defence on the mere defect of proof. I have neither knowingly withheld, or hesitated to admit, any Document that was necessary to elucidate the subject; looking for my refuge, not in the weakness of the Prosecutor's proof, but in the strength of my own innocence.

" It is at the same time obvious, that I am called on, not to defend others but myself. I am answerable only for my own acts, or for those of others in which I participated. But in order to connect me with this commotion, as its head and its origin, a great deal of evidence is gone into, of which the object was to show my concurrence and privity in what was transacted; but the result of which has been only that of implicating others; and I am sorry to say, of recording on the Proceedings matters which may in some sort affect your judgments with regard to those over whom Charges are depending. But it is with triumph that I beg you to review the evidence, which applies to that part of the subject; and first, to that which has been stated by Captain Webster and Lieutenant Beaumont. The Prosecutor seems desirous of extracting from these Gentlemen a variety of trivial circumstances; but in particular, all or some of the following facts, as indications of a mutinous and seditious mind at that early stage of the transaction; that in not attending at Colonel Davis's with the other officers on the 30th, I disobeyed the orders of that officer; that I ordered, or was privy to, or concurred in the forcible restraint laid on his person; and that I was a member of a Committee, who it seems, till the 6th of August, exercised military power in the garrison, or at least checked and controuled it. See whether any of these facts have been proved; or rather, see whether they are not absolutely negatived.

" With respect to the orders (contained in Captain Webster's Letter of the 30th) of Colonel Davis, the Court will see that I carried them into execution without hesitation. The object of assembling them has been already explained by what has been

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stated to have taken place at the interview itself. It was to admonish them to return to their duty, and not to believe the report which had agitated the garrison, as to a meditated seizure of their persons, by the aid of the Mysoor troops. And here it is to be observed, that the ostensible and avowed purpose of calling such a meeting, from the very nature of it, rendered my presence unnecessary. Had I attended there, I should have virtually admitted, what I here solemnly deny, that I myself, with the other officers of the garrison, was an object of admonition to a return of duty; which I think it could not be expected, that any officer of rank and character, under such circumstances, would have willingly admitted. It is sufficient for me, that I carried the order into effect with the utmost alacrity; and that in so doing, I willingly and actively contributed with Colonel Davis to the restoration of tranquillity in the garrison; although I considered, and trust I shall be pardoned for considering, that having transgressed no duty, I needed no admonition to return to it. But if you attend to the evidence, you will perceive from Captain Webster's statement, that in absenting myself on that occasion, I disobeyed no order whatever; for no order, or message, that could be interpreted into a Military Order, was given me. It seems, that in consequence of the official Letter above alluded to, I carried Colonel Davis's requisition immediately into effect, by summoning the officers as speedily as the dispersed distances at which they lived would permit. Colonel Davis, apprehensive lest some agitation might have been created in their minds, concerning the purpose of their being convened, said, that he would dispense with their attendance. I replied, that the officers were scattered over the fort, and that many of them lived out of it, as accounting for the delay. Colonel Davis was satisfied with that reply. He had the same apprehension the second time; and again dispensed with their attendance. I strongly urged, however, the propriety of their waiting upon Colonel Davis, as they had all been assembled, and were ready to go. Upon that, Captain Webster observed, that he believed Colonel Davis expected me to wait upon him with the other officers. I replied, "I saw no occasion for it." How is it possible to infer from this intimation, that Colonel Davis had positively ordered my attendance. We had both the same object in view; the restoration of confidence and tranquillity to the garrison. I gave my fullest aid to Colonel Davis, in the effectuating of that object, by calling them together; and as it appeared to me, that it would have been counteracted by that alarm, and perplexity of mind, which the sudden revocation of the order would have produced, I was solicitous that they should wait on Colonel Davis; and being aware, that the meeting was for the purpose of quieting their alarms, and admonishing them to their duty, my answer was the natural observation of a man, who did not feel the alarm, and had no need of lectures upon duty.—"I see no occasion for it."

"But, Gentlemen, will what you think of this, as a matter of crimination against me, when I observe to you, that it was from my own most anxious communications with Colonel Davis on that subject, that he became informed of the alarm and uneasiness of the garrison, and deemed the adoption of some measures requisite to restore tranquillity. But more particularly, a Letter I wrote to that officer on the 24th July, communicated the agitated state of the garrison. That Letter, and Colonel Davis's acquiescence in what I proposed, shall be produced to you (if necessary) in evidence. To that measure I gave all the effect I could. I disobeyed no order.

"As far as you have hitherto gone along with me, in the transactions of the 30th, I trust I am not evincing an indecent confidence, when I ask you, what mutinous, or seditious disposition is to be inferred from my acts? I cannot but feel, that I begin my Defence with no inauspicious omen, when a circumstance evidently imputed to me as a disobedience of orders, turns out to be the most exact and literal execution of them. Proceed further with me, and enquire whether there is any particle of evidence by which you can fairly conclude, that I authorized or knew of, or concurred in the supposed restraint of Colonel Davis. You will pardon the importunity with which I remind you, that I am in justice only responsible for acts, purely and emphatically my own. Admitting, for the sake of the argument, that Colonel Davis was actually under restraint, what testimony fixes it upon me? Is it that of Captain Webster? Turn to his deposition; it amounts only to this, that he had written an official Letter to me, stating that it had come to Colonel Davis's knowledge, that orders had been given at the gates, that no person could pass without authority from me. To this it seems I gave no answer; but in order to make it my act, the Town Major informed Captain Webster, that an Answer was preparing, and till that was received,

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Colonel Davis could not be permitted to leave the fort; that he, the Town Major was going to repeat those orders; that Captain Cadell further said to the Witness, that Colonel Bell requested him not to leave the compound. The most transient reference to such testimony, sufficiently shews it to be of that species, which is of all others the most fallacious and doubtful. It is in strictness nothing more than that which Captain Webster heard from the Town Major; but I do not wish it to be rejected on that narrow exception. Let me recal your attention to the state of the garrison; to the alarm that had gone forth; to the assumption of authority by a Committee, of the existence of which I was ignorant; and to the total absorption of my influence and authority. Under such circumstances, you will find little difficulty, in absolving me from all share or participation in the act of others. You will consider it not wholly improbable, that to stamp with authenticity their own resolutions, the officers, who had elected themselves into the overruling power of the Garrison, would use my name, as a mere matter of course, and in furtherance of their own designs. It would therefore be highly dangerous to depart from the course of legitimate evidence. But in the words attributed to the Town Major, there is something that seems wholly repugnant to the supposition; either that I had received the Letter, or sent any Answer to it, or gave any orders upon the subject of it. Captain Cadell says, that an answer was preparing; is not this more reconcileable to the hypothesis, that a Committee were taking the Letter into consideration, and were preparing an Answer. For if Captain Cadell came with any authority from me, it is natural to suppose, that I should have delivered him the order at once, either verbally or in writing, instead of taking any time to prepare an Answer; a circumstance which strongly implies, that it was undergoing some consideration from persons who were deliberatively consulting upon it. All questions however, as to the fact, are silenced by Major Macdowall's depositions, from which it may be easily seen, that I had then no influence over this procedure whatever. In truth, it should seem the restraint was rather imaginary than real; for Colonel Davis himself, yielding to the urgent importunity of the officers, had acquiesced in their proposal to stay at Seringapatam, for a moderate length of time. Waving, however, that topic, Major Macdowall expressly shews, that the restraint of Colonel Davis did not proceed from any order. He says, he called on Colonel Davis on the evening of the 30th, in consequence of having heard he was under some apprehension of being under restraint, knowing at the time it was not intended by the Officers of the Garrison, that he should consider himself under the smallest. Does this consist with the probability of my having ordered Colonel Davis into restraint? on the contrary, does it not render that fact almost impossible? for it would be grossly absurd to suppose, that if I had given such an order, or even been aware of the circumstance, Major Macdowall would not have gone directly from me, with an order either to release Colonel Davis, or to quiet his apprehension of being under arrest. The words, "Officers of the Garrison," clearly designate by whose authority the arrest (if there was any arrest at all) was sanctioned. The same observations will apply with equal force to that passage of Captain Webster's evidence, in which he states, that Lieutenant Colonel Munro came as if with an order from me, stating that Colonel Davis need not give himself the trouble of going out of his house, or getting into his palanquin. The course which common sense and reason prescribe as necessary, to trace my agency or participation in this act, is that of showing, in the first place, that I actually issued the Order: the default of that preliminary fact, cannot be aided by the mere declaration of others, that they acted by my authority. If such Evidence, on the most superficial view, did not strike you as dangerous in respect to precedent, and inconclusive in point of fact, I might in vain by my own solemn Declaration, which I make in all sincerity and truth, wholly disavow all privity or concurrence in the restraint of Colonel Davis.

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"It may be said, however, that I was a member of that Committee of Officers, and therefore answerable for its acts, and that the fact is implied from Lieut. Beaumont's statement of that which Colonel Munro said to him; namely, that Colonel Bell and the Committee of Officers had not yet determined whether Colonel Davis had permission to go to Mysore. I must again deprecate this loose and imperfect testimony. And yet, that it may not leave the slightest impression on your minds, refer to the minutes of this proceeding, and you will find abundant proof that I was not a Member of that Committee, and that in no respect, either by acquiescence or concurrence, I had adopted their acts.

"It is to be collected from Mr. Boiswell's statement, that I had complained to him

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of the extinction of my authority in the garrison. If by a harsh and severe rule of reasoning, any man infers a species of acquiescence in that assumption of authority, from my apparent silence on the subject, he has formed but an imperfect conception of the difficulties with which I had no struggle. To subdue the agitation by menace, to repress it by power, to read lectures on obedience and submission, might have been efficacious in a less fevered and morbid state of mind, than that which I had to deal with.—It was impossible to escape. The slightest indication which I might give of such an intention, would be the total annihilation of that little influence which remained to me. By securing the confidence of the officers, I hoped to exercise that influence (as you will see when you advert to the sentiments breathed in my Letters about this period) to dissuade them from violent and intemperate opposition. Even my feint shadow of authority contributed to the preservation of quiet. Had I leaped from the walls, or escaped by stratagem, I should have been liable to animadversion for an act of doubtful wisdom, whatever might have been the result. I believe the very attempt would have failed. But had it succeeded, I am sure that consequences would have ensued, which would have thrown into comparative insignificance, the serious mischief which we all deplore. I have disclosed to you the principles of my conduct. If my judgment has erred, the indulgence which is extended by enlightened minds to human frailty in new seasons and new difficulties, will not perhaps be withheld from mine.

" That I was not a Member of the Committee, will appear from that part of Mr. Casamaijor's Evidence, in which he tells you, that Mr. Macintosh had told him, that Colonel Bell had resigned the command to a Committee of Officers, and that he was not even privileged to receive a Letter. He understood also, that I was not even privileged to receive a Letter without the sanction of a Committee of Officers, and that he must address them, if he wished to communicate with the authority of the garrison. This, perhaps, presents an adequate idea of my authority at this moment, and of my connection with what was then transacting. The implied resignation of my command to the Committee, is not indeed accurate; for resignation implies a volition—I had no volition. I yielded to necessities, with honest and sincere intentions. I advert to this part of Mr. Casamaijor's Evidence, because it illustrates a fact which has been adduced against me; I mean, returning the Letter enclosing the Test on the 31st July, with a private intimation to Colonel Davis, that it was at the peril of my freedom, to receive any public communication. As for tearing up the envelope, and the subtraction of any paper it contained, I seriously disclaim it. Captain Bishop, Major Macdowall and Major Freese negative, I think distinctly, my participation in the procedures of the Committee. The former, Captain Bishop, tells you that he received orders till about the 4th, signed " Committee." It is impossible not to make this observation. Had I been concerned in it, or even privy to its procedures, would not my name, in common probability, have been signed to their orders, to give them the shew and semblance of authenticity? For you see, that in other instances my name was pretty freely made use of, where it answered the purpose of the moment. Major Freese also states that the reply to the Letter addressed to me by Lieutenant Colonel Davis and Mr. Cole, was signed by Colonel Munro, Major Macdowall, and himself. I allude to the Letter in which those Gentlemen, Colonel Davis and Mr. Cole, with regret and horror conclude that the officers intended to oppose Government at all extremities. It seems also, that he understood my reason for not signing it, was, that I had already signed the Test.

" I must beseech you to attend most minutely to this circumstance. The Letter from the Residency of the 3d of August, is produced by the Prosecutor, obviously for the purpose of affecting me with notice of its contents, of shewing that I carried on a resistance to the authority of the Government after I received the warnings and denunciations contained in it. But my knowledge of the Letter, or its contents, is a matter to be proved, not to be conjectured. There is not a syllable of Evidence by which it can be traced into my hands. The answer to it was written by the officers, which of itself furnishes strong ground of conjectures that I had not seen it. I had signed the Test; I had complied with the only orders of the Government, or of Colonel Davis, I ever received. The Letter therefore did not apply to me. And when Colonel Davis, in his answer to my Letter, accompanying the Test, with my signature to it, observes to me, on the evening of that day, that his house and heart, and that of Mr. Cole, were open to me; it is obvious that he did not consider me as one of the persons whom that Letter was written to admonish or

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to threaten. He would not have opened his heart and house to a Mutineer; he must have considered me nearly in a state of coercion. The reiterated intimations I had given him of the extinction of my authority, and the agitation of the place, must have impelled him to this conclusion. It is evident, therefore, that down to the 3d of August, that he considered I had headed or committed no mutiny; he would have otherwise disdained to accept my signature to a Pledge of fidelity, which my conduct must have so loudly belied. You would not very confidently accept from a pirate a declaration of his reverence for the laws of nations, after he had plundered your vessel; nor a pledge from a robber, of his regard to private property, after he had stripped you of all you had. If it is asked, "why on the receipt of the Instructions of Government did you not call the officers together, and by your example and remonstrance urge them to sign the Test?" Consider, I beseech you, what Major M^c^Dowall has said on that head. He tells you, that had I ordered the officers to sign the Test, I should not have been obeyed; he might in truth have gone further; he might have told you, as I shall prove hereafter, that had I given such an order I should have been in immediate restraint. If I am asked, "why did not you, on receiving from Colonel Davis his assurance that his house and heart were open to you, instantly leave the garrison, and fly thither for an asylum?" My answer, if the question is gravely put to me, is this; "had I meditated such an escape, I could not have effected it." There is, however, another aspect, in which it might be viewed as a question of duty. To quit my station, without an order at such a season, might have been conduct reconcileable rather to personal prudence than public duty. If, however, in this part of my defence, I had to combat with a captious and cavilling tribunal, it might be said, "True, you had no order to quit your station; but how can we believe your own statements of your good intentions, or assent to your own reasonings, without proof to support them?" To such an objection, what would be said, when I refer you to one of my Letters written to Colonel Davis, on the very third of August, and now in evidence against me, in the postscript of which I tell that officer, "that I am sorry to say, what I foretold as to the Officers has taken place. I shall remain here as long as I can do any good, and till I receive your orders to the contrary."

"This, therefore, is the light by which my conduct, if it has any thing dubious or problematic in it, ought to be illustrated; my object, from the first to the last, was to avert the effusion of blood, to soften, if I could not heal, the irritation, and by acts of a salutary compromise and moderation, to mitigate the evil that threatened us. Yet, whilst this was the hope that animated, and the impulse that urged me, I would have instantly, and at my peril, have obeyed or made an effort to obey any military order to quit the garrison. The truth is, I received no order whatsoever.

"Try me, however, by my acts. I signed the Test; I have already shewn, that the attempt to persuade others to have done it would have been hopeless. On the third of August, the man who stands before you for having, between the 30th July and the 23d of August, headed a mutiny against the Government, gave a solemn Pledge of Obedience to that Government against which he is pretended to have rebelled. There may, however, be an insinuation lurking in this very fact, of which it is impossible that I should be unmindful. It may be whispered, that I signed the Test as a disguise, and in subservience to my real intentions. I wear not, Gentlemen, any more than the best of you, a suit of armour to repel insinuation; I can only appeal, in confutation of it, to the whole of my life, and the general complexion of my character. Possibly there are amongst you who may not be ignorant of either; they can best tell, whether, among my habits and dispositions, are to be numbered those of hypocrisy or deceit, or low cunning, or any of that family vices. For myself, I can solemnly appeal to him from whom all truth emanates, that I signed that Pledge in the genuine spirit of obedience.

"And you, Gentlemen, have one criterion by which you can estimate the sincerity of this protestation. For, antecedently to the third day of August, there is no act that can be alleged against me which does not defy all blame or crimination. If criminal intentions are essential to crime, and if acts are the interpreters of intentions, when those acts are criminal; it would be a perversion of justice to deny, that they equally indicate intentions when they are innocent. A species of proof, however, has been resorted to in this case, which lawyers call accumulative, that is, an attempt to substantiate the charge by the accumulation of little facts and petty circumstances! A century and a half has glided away since that doctrine has expired a natural death. I will not, however, complain of its revival on this occasion, because there must be a penury of material proof against me, when so much idle industry is

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expended in dragging up forgotten conversations and straggling expressions, to bear testimony against me. Of this kind is the very significant fact sworn to by Lieut. Cadenskie, that he heard a noise of guns moved about in a garrison, in which the guns were ordinarily moved every day; my expression of "Mysorean Rascals;" and the singular and whimsical order, it seems, that I gave that officer, who was on guard at the Bangalore Gate, to fire not only on any enemy who might be passing the Bangalore bridge, but on all armed men on the Mysore road, which is at least half a mile distant. He was asked by the Court, whether any persons were present at this conversation? None. This is a kind of testimony which he, against whom it is tendered, is necessarily unable to contradict. There is, however, so providential a mixture of absurdity in this statement, that the mention and refutation of it must be one and the same thing. I impute nothing of discredit to the Witness; in seasons of agitation and alarm, the memory is clouded.

The march of the detachment of H. M. 80th Regiment.

"I must have wearied the patience of the Court by detaining them so long, on what may be deemed only the preliminary parts of the subject. Observing, however, that the Prosecutor's object in overloading the cause with an accumulation of facts, was that of shewing me to have been the first mover of the commotion from its earliest stages: you will excuse the minuteness with which I have remarked on them. There remains but one circumstance that requires a comment, before I proceed to answer the several allegations of these Charges; I mean the order which I gave Lieutenant Adamson to remove the detachment of the 80th.

"If you have done me the honour to follow me in the progressive exposition of my conduct, from the 30th July to the 3d August, you must do me the justice of admitting it to be reconcileable to a most earnest anxiety for the peace and tranquillity of the garrison. You must also have framed a pretty correct notion of the state of things, in which, with a crippled and imperfect authority, I had to excercise what little influence remained to me in averting the worst of evils. The alarm and consternation had received a dreadful augmentation from the transactions at Trichinopoly on the 30th, where Lieutenant Colonel Wilkinson having proposed the signature of the Test as a matter of option to the officers, on their refusal to sign it, had placed them under the closest arrest, with orders to the guard to fire on them, should a rescue have been attempted. Amidst terror, suspicion, and mutual distrust, obscure and indefinite reports were in circulation, as you have heard from Major Macdowal, so far back as the 28th of July, that that detachment had been making up cartridges three or four successive nights, as hostile preparations against the garrison. Whether this was the fact, I do not enquire; it is sufficient for me, that through the whole garrison, and in that distempered state of it, it was generally believed. Under such circumstances, I thought, as every rational man would have thought, a mere handful of men were no longer safe within the walls. My motives will be elucidated by my Letter to Colonel Davis on that day, intimating to him the impression which had been made on the Artillery by the conduct of that detachment, and that I could not be answerable for their safety. And here, it is impossible not to admire the singular fatality which has made a meritorious act, suggested by an anxiety for the safety of this detachment, an act of which the avowed, must have been the real object, a matter of accusation against me. No ingenuity can torture this plain and simple procedure into any other than its avowed purpose. Will it be said, that being at that time the leader of a mutiny against the Government, I was desirous to remove the King's soldiers into a place of safety? that with such designs, and when in furtherance of them, a small detachment of 120 or 130 men, might in ten minutes have been disarmed, I requested them to go out as a precaution for their security? By no sophistry can propositions so mutually repugnant to each other be reconciled.

"I shall now proceed to the alleged overt act of seizing the Public Treasure. I am spared the necessity of a minute or elaborate answer to this part of the Charge, because I have already pointed out my entire disconnection with the proceedings of the officers who had taken upon themselves the military authority, at the time when the Treasuries of Mr. Casamaijor and Mr. Paymaster Smith are stated to have been seized. In so grave an accusation, it is not more the prerogative of an accused man, than the presiding principle of the judicature before which he stands, to require the acts charged against him to be fully and legitimately proved; and to adhere to known and recognized rules; lest frail and fallible presumptions, or loose or unfounded conjectures may take the place of that strict and precise principle

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ciple of investigation, which leads to judicial truth by the most direct and shortest process. Turn, therefore, to Mr. Casamaijor's evidence, and examine whether any proof is to be collected from it of my having seized the Treasure committed to his charge? Captain Turner said, he acted with Colonel Bell's orders. If what Captain Turner said to the Witness, was adopted as conclusive evidence of my having given the order, of course the act would be mine with all its responsibility. But waving all exception to the proof; admitting, if uncontradicted by any other fact, to amount to a fair inference of my having given the order, the very next sentence in Mr. Casamaijor's deposition brings forward a circumstance, which plainly shews that it was not by my order that Captain Turner was acting; for on Mr. Casamaijor's beginning the draft of an official Letter to Government, stating that it was by my order the Treasure was detained, Captain Turner immediately objects to the mention of my name, remarking, that though he had Colonel Bell's sanction, he had not his permission to say so: I think this incident must have induced the Court to draw the conclusion, that my name was used for the purpose of the moment. Had I given the order, Mr. Casamaijor would, as a mere matter of course, have stated that fact to the Government, without the slightest objection on the part of Captain Turner. Subject to the same observation, is that which Captain Cadell told Mr. Casamaijor, concerning the memorandum he said I was making of the reasons for securing the Treasure. In a subsequent passage, Mr. Casamaijor clearly shews the improbability of my ordering, or even conniving in that transaction. He tells you, that he found I had no command; unauthorized even to receive a Letter without the sanction of the Committee, to whom all communications, with the authority of the garrison, must have been addressed. Here then is a complete solution of all doubt upon the subject. The occupation of the Treasure by me, or by my order, remains not only not proved by regular and legal evidence, but there is regular and legal evidence which disproves it.

"This brings me to the Treasure of Mr. Paymaster Smith. It seems that Captain De Havilland and Captain Cadell told Mr. Smith, that they were commissioned by a Board of Officers to require a statement of the coin in his charge. To what extent the fact is to operate against me, I have yet to learn. That Mr. Smith understood from Captain Cadell, that the guard was placed over his Treasury by me, amounts to no more; nor does Captain Cadell's Letter of the 31st, to Mr. Smith, in which my name is alo mentioned, carry it at all further; it does not even approximate to evidence. I confess, Gentlemen, I am astonished at the slender, vague, and uncertain proofs, on which the Prosecutor has attempted to charge me with seizing the Public Treasure. It is true, that Rungapah talks of the conversation I had with him, in the course of which I said I would be the Paymaster; but this was on or about the 6th. The Treasure, if it can be called a seizure, had been seized before, by persons who, as Mr. Smith himself informs you, had received their commission from the Committee of Officers: and Mr. Smith also says, that he received no other answers to the Letters he wrote to me, but that a verbal message was brought to him, stating, that they would be taken into consideration, a circumstance clearly indicating, that a deliberation was to be held upon them by the Committee. With the seizure I had nothing to do; and when you advert to that fact, which almost every Witness conspires to prove, that on the 31st the whole military power was in the hands of those officers; it will be placed beyond the reach of contradiction. The allegation of the charge is a seizure of the Public Treasure. If it appears, therefore, that I did not seize it on the 31st July, I am surely not culpable for merely taking charge of it on the 6th of August; I was influenced to that measure by every motive of duty and necessity. It was to secure it from depredation during the absence of the person to whom the custody of it had been committed; to take care, on my own faith and responsibility, that it should be faithfully disbursed, and applied to the purposes for which it was intended. True, I said to Rungapah, "Your master has run away; this is the cause of all the confusion; I will be the Paymaster." I am sure, that when you consider the act of seizure as the acts of others, (for it has not been shewn to have been mine) you will not visit me with much harshness of animadversion for taking care of it after it had been seized, and appropriating it to the ordinary exigencies of the service. You see that the Treasure was administered in every respect as it had been before, the keys kept by the same servants, the monies disbursed for the King's and Company's uses as before; not the smallest subtraction or misappropriation. I justify this act, as an act of strict duty and inevitable necessity. The Treasure was to be taken care

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of, or to be lost. The person to whose custody it had been entrusted, had abdicated his office. I confess, I cannot clearly see what other procedure my duty to my employers could, under such circumstances, have suggested. Pay could not have been prudently withheld from the garrison. Perhaps it would have been impossible to have put the fidelity of the Sepoys to a more perilous test; and had I refused to sanction the necessary payments after the Paymaster had abandoned his functions, I might probably have stood before you under different charges:—Accused of having betrayed the duty of an officer, and the interests of the honourable Company, by measures resulting in the mutiny and insurrection of their Native Troops.

"If these reasonings are just, I can feel but little apprehension from the other fact brought forward as a seizure of Treasure. It was reported, that Treasure destined to Seringapatam had been stopped on its way. By what authority? By Peons, who, without any written document whatsoever, gave verbal orders to take the Treasure by a circuitous route to Mysore. Now, there is no evidence to shew, that I ordered the detachment out on that occasion; and you will not supply the absence of proof so material, by conjecture. Yet, were I to admit that I had given the orders, I would rest its vindication on the strict propriety and necessity of securing a Treasure, which had been intercepted without any authority whatsoever. It would be at any time a matter of strict duty to have taken the necessary steps for its protection, as soon as the Havildar made the report of its having been stopped.

"After all, what does this seizure of Treasure amount to, in whatever aspect it is considered? Mr. Casamaijor's remained secure and untouched. Mr. Smith's regularly disbursed for the exigencies of the service, without which the Honourable Company's troops would have been reduced to famine. The money from the Ceded Districts secured from depredation (for the stoppage of it without authority is nothing less) and safely lodged in the place to which it was destined. Not the slightest misappropriation of this Treasure, which I am charged with having seized. If, however, the protection and security of the Treasure be deemed a criminal seizure in your eyes, turn to the Evidence, and you will find that from all share and participation in it, I am completely absolved.

"You have now travelled with me to an important date in the series of these transactions. On the 6th of August, it seems that I was requested by the officers to command the garrison; a fact which unanswerably shows, that before that time I had no command. You will of course deem it probable that whatever agitations and disorders prevailed before, I am not responsible for them; for any interpositions would have been useless and impotent. I have shewn, not by my own uncorroborated statements, but by the Evidence actually recorded against me, that I disobeyed no order on the 30th; that I carried the orders I did receive into speedy and diligent execution; that in the real, or imaginary restraint of Colonel Davis, I had no share; that I had no concern in the proceedings of the Committee; that I had no controul over them. All that my imperfect authority could effect towards the restoration of tranquillity, you will also perceive, that I effected: that fearful of the safety of a small detachment of one of His Majesty's Regiments, I urged their removal, as a mere matter of precaution; that I did all that the Government required of me; that I cheerfully gave the proffered Pledge of Obedience; that when I returned that Pledge with my signature to Colonel Davis, I intimated to him, that although desirous of staying in the garrison as long as I could do any good, I would obey any orders he would give me; and that in truth, I received no order at all, or even a suggestion sufficient to impose upon me a clear and definite rule of conduct. Your own conceptions will supply much of what must be left imperfect in this picture. You may conceive (some of you may in part have experienced) the embarrassments by which I was beset; the jealousy with which I was watched; the conflict of feelings into which I was thrown, by the very solicitude I felt to discharge my duty. You may imagine a state of things, where the lines that divide duty and disobedience are so faint and shadowy, that from human candour will be demanded its most benignant allowance to human error. If, in such a season, the feet falter, or break and snap asunder some of the nice and minute threads and filaments which entangle them, who is there that will pronounce a severe condemnation? It is then, you will look to the intention as the index and criterion of the action. It is then also, that weighing the difficulties and the perils to be encountered, you will not withhold, when you discern the honour and the rectitude of the heart, that enlarged and liberal discretion, which consists in the prudent choice of evils; in bending as it were beneath the storm; in the

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the temporary submission to necessities; in the adaptation of conduct to times and to circumstances.

"I shall now consider the only remaining heads of accusation,—the firing on the troops, and the refusal to deliver up the fort to the proper authorities. See whether the intentions, which have hitherto animated me, will be found, in this maturer stage of the transaction, to have departed from me.

"Another question will perhaps present itself, whether, in the new and extraordinary combination of circumstances which had arisen, a sound discretion was not conferred upon me, of averting a bloody conflict between fellow soldiers and fellow citizens, by every means in my power. From what you have already collected, concerning the fevered state of the garrison, the feelings which prevailed, and the passions by which the officers were animated, you will be enabled to form a faint idea of the difficulties with which I had to struggle. Could I escape? That was impossible. Had it been possible, could I have deserted my post? It was my maxim of duty, that I was bound to stay so long as I could be of any use; so long as I could preserve quiet by my remonstrances, my entreaties, and what little of authority remained to me. Had I any order to quit the garrison? None. Had I received any, I would have made the attempt, though it must have been immediately defeated. I had given an intimation to Colonel Davis, in the Letter above alluded to, that I would stay as long as I could do any good, or till I had his orders. His silence implied an acquiescence. He gave me no orders to the contrary. The Letter in which he observes, that the garrison were determined at all events to oppose the Government, was neither received or replied to by me. Could my influence induce the officers to deliver up the fort? In the first place, no orders to that effect were ever given. In the second, the very attempt would have been ridiculous. Under such circumstances, I resolved by every expedient within my power, to restore discipline and obedience, and to quiet the exasperations, which might otherwise break out into the most fatal and pernicious measures. It is for this, that I have been dragged hither as a criminal.

"With these views I re-assumed the command. I thought that, in the hands of a man anxiously bent on peace and order and subordination, the controul would be exercised with better chance for the public interests, than in the hands of seventy or eighty. Am I a criminal for having thus thought, and thus acted? Had I declined it, I should have remained within the walls of Seringapatam, a mere prisoner; stripped of all influence to controul, or check, or admonish. Every thinking man must tremble, when he conjectures what would have resulted from such an anarchy.

"That these motives animated me, is not my own unsupported assertion; they are to be traced in the uniform language and sentiments of my Letters to Colonel Davis, when the military power was exercised by the Committee: these Letters have been produced, no doubt, to shew that my intentions were criminal; review them, and you will find that they warrant no such conclusion. But amongst these Letters, I was not a little astonished, that one to Colonel Davis, so late as the 5th of August, did not make its appearance: it would have been an important document, because it would have clearly demonstrated what intentions I cherished, and with what motives I was influenced on that day: it was written the day before the revival of my authority. All communications between Col. Davis and the garrison, had ceased on the third; large bodies of Mysoor troops had appeared in movement: they had cut off the supplies of the garrison, and had committed other acts of irregularity, by seizing and detaining persons on their way from or to the fort. In the total cessation of all intercourse between the garrison and Mysoor, and the suppression of all intelligence from every quarter whatsoever, this circumstance had excited sensations the more vehement, as it was mysterious and obscure. No man could believe that it had entered into the head and heart of any British subject, to let loose the troops of a Native Power on an English Garrison, and teach a dangerous theory, which might hereafter be practised to the destruction of the Empire. It never was imagined that such a procedure was authorized by the Government. In the midst of the agitation occasioned by this most mysterious circumstance, I rejoiced that the officers who had then the controul of the garrison, had determined on the most pacific conduct. Under that impression, I wrote the following Letter to Colonel Davis, which the Judge Advocate has not yet produced:

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" Sir, Seringapatam, 5th August 1809.

" It has been communicated to me, that the officers of this garrison have come to a determination not to be the first to commence hostilities. I have therefore to hope that they will come round in a few days, and follow the steps of their brother officers, rather than risque the loss of British India."

(Signed) " *J. Bell,* Lieutenant Colonel, Senior Officer."

" To Colonel Davis."

" Such, on the 5th day of August, were the expressions of the man, who from the 30th July, is said to have been at the head of a dangerous and alarming Mutiny. You will therefore perceive, if this Letter speaks an unambiguous language, that so late as the 5th, I indulged the hope that the officers would follow the steps of their brother officers, by signing the Test; and that instead of meditating revolt and conspiracy, my heart was occupied with the solicitudes of a man loyal to his King and his Country.

With this hope, I rejoiced that my authority returned to me: how could I predict, that directing my efforts to these ends, and feeling these solicitudes, I could have been considered as heading a Mutiny?

" And here I cannot but lament, that Lieutenant Colonel Davis should have disdained all consultation with me, on the measures to be adopted. To the best of my humble talents, and with a loyalty as sincere and unaffected as his own, I would have rendered him my assistance towards the restoration of peace and discipline; but other councils prevailed. I will boldly assert, that this want of confidence, which was warranted by nothing either in my character or conduct, has been the source of the unfortunate train of events which you are now investigating.

" There was, however, another powerful inducement to sooth and conciliate the agitations of the garrison, which was actively alive to my mind, I mean the expected arrival of Lord Minto. This, combined with other circumstances, will explain many of my letters. The British Empire was endangered by the conflict between the Army and Sir George Barlow; the open opposition of the Hyderabad Force, *(who being the leaders and first agitators of these tumults, have been the first objects of amnesty)* made the danger in my eyes almost gigantic. Cut off from all communication and intelligence, probably it loomed as it were larger than it was, through the darkness in which we are kept. It was a time, when a man, bent on the restoration of discipline, might be pardoned much wider deviations from duty than can be urged against me. The magnitude of the stake might well excuse some errors in the game. Contemplating the extent and size of the peril, the more than dubious policy of employing against British troops a Native ally, naturally jealous of our dominion, and disposed to avail itself of every discord among ourselves, which might weaken or undermine our authority; *the conviction, that such a measure could receive no countenance from any Government, which was watchful over the interests of our Indian Empire*; *the assurance, that such a measure, if adopted by the local Government, would draw down from their country the most tremendous responsibility for the awful trusts they had abused*; but above all, the certainty that whatever were my sentiments, the garrison would be defended to the last drop of blood within its walls against the assault of the Mysoreans. All these considerations rendered me solicitous, by a temporary policy, to avert the conflict, to prevent the shedding of civil blood, and to evade a struggle with a Native Power, in a cause in which victory would have been the worst of defeats, and success the most fatal of calamities. For this reason, as I told Colonel Davis, I considered the fort confided to my charge, and referred to the Supreme Government the decision of a question so wholly new and unprecedented.

But you will not be at a loss to discover the reasons, and the motives by which I was influenced. A mere delay was all that I solicited; I knew the inflamed spirit with which an attempt to take the garrison would be repelled; I knew that any order I might be inclined to give for its surrender would be unavailing. I had therefore before my eyes the dreadful horrors of a civil war, of which, if the sword was once drawn, I foresaw that my authority would not assuage or restrain the fury. As a man, I felt for the sufferings of man in such a contest: As a British officer, I felt for my fellow soldiers and countrymen, whose blood would have been poured out in an ignominious quarrel by a Native soldiery. I was desirous, therefore, that the sword might remain in its scabbard, not, as I considered, for an indefinite period, but for

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for a slight and inconsiderable interval, till the arrival of Lord Minto, who was then hourly expected.

"Put yourselves in my situation, and ask, whether, in acting under the influence of such feelings, I am to be condemned as a Mutineer? Human conduct is to be tried, not by its dead letter, but its living, and active spirit. It was to spare the inevitable effusion of blood, that I wrote the Letter of the 6th of August to Colonel Davis, to incline him to forego the attempt to direct the Mysoor Force against the place, (an attempt of which the success and the failure were equally to be deprecated) to leave us in a harmless tranquillity for a few days, till the determination of Lord Minto was pronounced. From the style of my letters it will be seen, that the arrival of the Governor General was hourly expected. Cut off from all public intelligence, I knew nothing of the unfortunate delay that had retarded it; I requested Colonel Davis to forward my Letter to his Lordship, expecting that it would find him at Madras. Is this a mutinous refusal *to deliver up the fort to the proper Authorities?*

"Under the assurance that scarcely a day could intervene before Lord Minto's arrival, and almost convinced that he was then at the Presidency, I considered, i I could ward off the evil for a few hours, or at most a few days, I should ac according to the strictest obligations of policy and of duty. The Proclamation o Lord Minto, dated the 20th of July, had announced his determination of coming t the coast; and no other construction could be put upon his resolution, but that h was coming to prevent the consequences of civil warfare; to mediate, to heal, t hear, to conciliate, to redress. His Proclamation inspired these hopes; and ever countenance, on which gloom and despondency had so long sat, beamed with ex pectation. These expectations received strength and confidence from the know character and dispositions of his Lordship; *the eyes of all were turned towards a man who had not learned the art of government in his office, or surveyed mankin from his desk, but to a man whose knowledge of human affairs had been enlarge by a British education, and whose mind had been liberalised by British habits o thinking and feeling. From such a man, it was not to be supposed, that coming professedly for the purpose of enquiry and redress, he would suffer himself to be le by those whose interest it was to deceive him, or surrender himself into their hands, the instruments of their passions and resentments.* Adverting to the avowed objec for which the Governor General announced his intentions of repairing hither, I considered, that by delaying a conflict which every good man must have deprecated, I should be acting in literal subservience to his views and inclinations.

"But you will observe, that to my Letter to Colonel Davis I received no answer. I had no order to deliver up the garrison; and surely, Gentlemen, when the intention with which I acted, in an emergency totally new, are taken into consideration, some doubts might remain whether an order, an attempt to execute which would infallibly have led to the sanguinary conflict I hoped to avert, would not have furnished "that new modification" of military duty, which has been applied by high authority to cases of infinitely less moment than that in which I was obliged to act. If there is a time in which a military man may pause and deliberate concerning the execution of an order; if he is ever absolved from the ordinary obligations of obedience, it is when, in the total absence of a rational utility, or an over-ruling necessity, he is called on to deliver up his fellow creatures to slaughter and destruction. *Had I been convinced, that no other purpose was in the contemplation of those who urged the garrison to extremities, but that of obtaining for themselves a sort of excuse in the violent and irregular conduct of the Army, even then, the duty I owed both to God and man would have well excused a reluctance to become the instrument of so detestable a policy.*

"Happily, however, I do not require the aid of such reasonings; I gave no refusa to deliver up the fort to the proper authorities; I received no orders to do so. But it is beside the purpose to talk of refusal, when I knew that the officers of the garrison were determined to defend the fort against the expected assault of the Mysoreans, to the last drop of their blood; and that my authority would have been wholly incompetent to restrain the conflict, had it once commenced. What then have I done? I endeavoured by my Letter to Colonel Davis and to Purniah, in the true spirit of a man anxious to avert a most dreadful evil, to dissuade them from the attempt at taking the garrison, which would inevitably have been opposed with the most determined spirit, and have terminated with mutual loss and bloodshed. This wil

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be the true commentary of my Letters to Colonel Davis and Purniah, as well of those to Lord Minto, from which it will be plainly perceived, that conceiving that there was already a suspension of the local Government by his Lordship's arrival, I referred myself to the Supreme Government for the line of conduct I was to pursue, and stated the measures into which I had been compelled by the preparations to assault the place, which had excited a determined spirit of resistance in the officers under my command. This is my offence; *a reference*, not *a resistence*, to the proper authority. Whatever may be my fate, I shall turn to this passage of my life, and review the motives which influenced it, with a satisfaction which no external circumstances can impair and diminish.

I had vainly hoped, that thus temporizing with a most portentous evil, I should have warded off the event I dreaded. Some allowances are due to my situation. From the first to the last I was ready "to obey legal orders," as I professed in my Letter to Lord Minto. Colonel Davis treated my communications with the most sullen disdain. I received no orders. Had any orders been given me, I should have done what little was in my power; I should have made the effort to obey them. In the mean time, entrusted with the safety of a British garrison, I was anxious only to preserve it from the horrors which threatened it. This was all that I could do; my authority was circumscribed within these bounds. I have before said, that it was wholly incompetent to effect a surrender of the garrison.

"My hopes, however, were frustrated by the events of the 11th of August. Of the nature of my authority in such a state of things, you may easily form an estimate, and how far I am criminally responsible for having done that which would inevitably have been done by others. If it be said, "why did you retain the shadow of an authority which you could not effectually exercise?" My answer is, "that I retained it from the conviction, that the estimation in which I was held by the Army in general (an estimation which it is my pride to have obtained and merited) would give some weight to my opinion and remonstrances; and that if I could not wholly subdue the exasperation, I might at least soften and mitigate it." I will now proceed concisely to state the event of the 11th, and in the simplest statement of it, I trust you will find my fullest vindication. You will have already observed, that anxious only for delay, till my reference to the Supreme Government was answered, and intent on the prevention of bloodshed, some preparations were made against the threatened attack of the Mysoreans. When it was found that European troops were in sight, my solicitude to avoid a conflict was redoubled. I would conceive in imagination the dreadful carnage which must have ensued, if, by a surprise on the garrison, or an attempt to pass the bridge, hostilities had once commenced. I knew the attempt would have been obstinately resisted; I was anxious, therefore, to evade the evil.

"In the mean time, a camp was formed in a position, which not a little perplexed us. If the movement of the European Force was hostile, it was difficult to reconcile it to any vulgar notion of military operations, that it should have been planted within range of the guns. On the other hand, it is equally difficult to conjecture, that a garrison in a state of hostile insurrection against the civil and military authorities, should have suffered the encampment to remain without molestation under the very mouth of their Artillery. In the morning of the 11th, two officers were sent to the camp to enquire concerning the intentions with which the force had been marched, to intimate the references that had been made to Lord Minto; the imprudent situation in which they were encamped; and to assure them that the garrison was in the utmost tranquillity, and had determined most religiously to abstain from every act which might result in bloodshed, till an answer was received to their application to the Supreme Government. This Deputation, after making an ineffectual attempt to be heard, returned to the garrison. Had this Deputation been received, the fatal events of that day would have been averted.

"It was about 10 o'clock, that a considerable body of Sepoys were discovered to the northward, advancing towards the fort. What battalions they were, I did not know. As they were approaching the fort, we perceived that they were harassed and pressed upon in all directions by the Mysore Horse. The safety of so large a body of the Honourable Company's Native troops could not but be a matter of considerable anxiety. By what orders they marched; whether they marched without any, I was wholly ignorant. We observed, however, shortly afterwards, that a detachment of the King's troops had left the camp, and were advancing with impe-

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tuosity towards the Sepoys. *A scene of massacre followed, which it is painful to recal to remembrance. The Dragoons and Purniah's Horse began to cut up the almost defenceless battalions, who seemed straggling in disorder, and apparently exhausted with the fatigues of their march.* They had still a considerable distance to traverse before they could reach the fort. *In the mean time there seemed every probability, that the whole would have been cut up, before they could come within its protection. The massacre of so numerous a body of troops, every suggestion of humanity, reason, and policy, called on me to prevent.* No other motive was present to my mind. For this purpose, and animated solely by this impulse, a very few shot were fired from the garrison, which although from the distance to which they were sent, could have effected no mischief, by their direction might induce the Dragoons and the Mysore troops *to desist from the pursuit and slaughter* of the Company's battalions. Happily this effect was produced. Two battalions of Sepoys were almost entirely saved from destruction, by a firing, of which the object was merely to intimidate those *who were pursuing them with carnage* I cannot see with what plausibility, this can be urged as a matter of crimination. *I cannot imagine that any man in cold blood, would have issued from the seat of Government, one of whose high and most sacred trusts is, the paternal protection of the Native subjects of India, an order to extirpate so many of God's creatures,* before it could have been known whether their movement towards the garrison was criminal or innocent. But I am relieved from all doubt on this head. By the public Declaration of Sir George Barlow himself, in a General Order of the 30th of August, these very battalions are exempted from blame, and their innocence publicly proclaimed. What then is the inference? If my statement is true, and is proved in evidence, he who is charged with having fired on the troops of His Majesty and the Rajah, in furtherance of a dangerous and alarming Mutiny, discharged a few harmless shot, which had the effect of saving from destruction two innocent battalions of the Company's Army. This is a fact which will appeal with resistless force to the consciences of all who know the nature of our Eastern dominion. Such persons need not be told, that it is an Empire not of physical force, but of moral ascendency; and that among the mysterious chains by which it is preserved, the strongest and the most binding is, that which it grappled round the heart and the affections of those whom we govern.

" But if proof is required to attest how remote the intention of rescuing these battalions was, from that of hostile aggression on the Mysoor, or the King's troops, it is worth while to observe, that the part of the garrison who went out to cover the retreat of the Sepoys, were repeatedly fired on from the troops remaining in the camp; that they did not fire a single shot, although the camp was under the guns of the fort, and might without any difficulty have been destroyed.

" I proceed, however, in the melancholy narrative of the 11th of August. The Sepoys, who proved to be parts of the first battalion of the Eighth, and the first battalion of the 15th Regiment Native Infantry, for nearly the whole of that day continued to come in to the fort, stripped, plundered, and bleeding. It was found that about 171 were dreadfully wounded; that about 50 lives had been lost, and amongst these many of the unhappy followers. I would describe the wretched spectacles who presented themselves in the fort one after the other, during the whole of that day; but I find myself unable to convey to you the faintest picture of its horrors. I dwell upon it, only as it constituted the necessity, on which it was deemed requisite for the safety of the garrison, by firing near the encampment on that night, to remove it from a position which augmented the commotion occasioned by the cutting up of the Sepoys.

" On this occasion, as it became me, I did all that I could to restore the confidence of the Native troops in the garrison; the feelings excited by the events of the day, had been roused, by the dreadful spectacles before their eyes, into a most alarming insubordination. The Sepoys of the battalions who had suffered, cried out that they had been betrayed by their officers, who had given them strict orders not to fire a musket at His Majesty's troops. But the agitation was not confined to these battalions; it had extended itself through the whole Native force of the garrison; the cry was for revenge; they called out, in a phrenzy of indignation, to be led out against the camp. In the mean time reports were circulated, that basket boats were constructing to cross the river, and scaling ladders to mount the walls: such an attempt, from the disposition of the officers, and the inflamed temper of the troops, would have ended in a dreadful slaughter. I knew that my authority could not restrain the fury of feelings, which so many unhappy

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events had conspired to produce. With the same motives, which in every stage of these transactions continued to influence me; anxious to avert so melancholy a contest; and doubly anxious, from the occurrences of the day, to preserve the lives of the garrison, and those who were acting against it, I deemed it expedient to remove the encampment from the singular position it had taken; a few small shells were therefore thrown at night, so directed as to fall on the skirts of the camp, and warn them of their danger. That there was no other object in firing, is evident from the simple fact itself; that had other feelings influenced me, the whole camp might with little difficulty have been destroyed. This firing, therefore, like the former, was to intimidate, not to destroy; to avert the horrors of a general rising of the Sepoys in the garrison, and to save the lives of those, who it seems were acting against it. If the question be here again interposed, "why did you, by remaining as the nominal and ostensible head of the garrison, incur the responsibility of these transactions?" My answer is again, "I could not escape; by remaining there, I was enabled to ward off by delay the most fatal of conflicts." I vindicate this act with confidence; I have saved the effusion of innocent blood. I stopped an insurrection in the garrison, the probable consequences of which can be best conjectured by those who remember the fatal incidents at Vellore. The natives of Hindostan are meek and submissive beyond any other example in national character; but they are not dead to the ordinary impulse of humanity, "If you prick them they will bleed; if you insult them they will revenge." They hold their existence by that charter on which nature has written her unalterable and eternal laws.

"The Witnesses will best speak to the perturbation of the garrison at this alarming period; women and children did not escape this undistinguishing attack. All that could awaken the feelings of men, and stir them to retalliation, every minute presented to their eyes. Some faint conception may be formed of the agitations occasioned on the very spot where the poor miserable and mangled victims had suffered, by those which were produced when the Government account of this day was received in General Orders at Hyderabad; they had nearly proved fatal to the country, and every European in it. For it is a solemn fact, capable of easy proof, that when those Orders were read, in which it was stated, that the whole of the "Rebel force," had been destroyed; the Sepoys of that station, instigated by their wives and women in camp, turned out armed to cut every European's throat, and amongst the rest, those of their own officers. This perturbation was quieted only by the presence of mind of an officer at that station, who assured them, that the detail published by the Government was unfounded.

"It is with satisfaction that I leave this part of the subject. Whatever may be the event of this trial, the remembrance of that which is thus imputed to me as a crime, shall never depart from me but with life itself. When the recent transactions of India are viewed by minds untinctured by local prejudices, and unbiassed by local animosities, whatever becomes of me, the transaction itself will reflect no shame upon my memory.

"I have scarcely time to advert to the evidence of Lieutenant Grove, as to the conversation, in which he says, that I used the violent and absurd expressions he puts into my mouth on that occasion; if the utter improbability of it be not a sufficient refutation of it, there are persons who were present at the time, who will give it a peremptory contradiction. Little observation also is required, as to what Colonel Munro is stated to have said, in the conference of the 14th; in which it would seem I had expressed a determination to bury myself in the ruins of the fort, rather than surrender it; in truth, I used no such expression, nor did I authorize him to use it in my name. From the first to the last, I was unable to surrender the garrison; I had no choice: compelled to stay there, I thought I was bound to do all the good in my power. But I shall shew, that as soon as the moment was arrived in which my influence could be effectually exerted to procure a return of obedience and duty, it was not exerted in vain. I shall shew, that had it not been for my example and remonstrances, the fort would not to this day, in all probability, have been surrendered.

"I have thus gone through the whole of this long transaction. If I have wearied you by the length of my Defence, my excuse must be suggested by the variety of minute facts, and conversations and expressions which have been huddled together in support of this accusation. I have shewn from the first beginning of it, with what spirit I was influenced; that in the proceedings of others I had no participation; that those for which I am responsible, were not only urged by an imperative necessity, and dictated by the most honourable intentions, but they have averted the most serious calamities.

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" But even if errors are imputable to me in such a state of things, are they to be visited on my head as crimes? Is no regard to be had to a situation, in which the best of us might well tremble to be placed; to the embarrassing conflict of opposing duties, to agitation, suspence, hope, fear, and the whole tumult of feelings, which in such circumstances might hurl the reason of man from its seat, and deliver over his mind to chaos and distraction? I may surely ask you to consider the whole of my conduct, and not in detached and broken passages. Try me by its intentions and its spirit: That is the course of divine justice, which, as far as the frailty of our natures admit, human judicatures ought to imitate.

" *I have abstained, as far as justice to myself would permit, from all animadversion on the late measures of the local Government, which have terminated in these dissensions: but it is due to the character of a loyal, high-spirited, and honourable Army, to remark, that no fancied oppression or trivial grievance would have driven them into resistance. I am no apologist for revolt: I sympathize with their fortunes, I honour their virtues; but I will not vindicate their excesses. On all occasions, I have recommended, with an honest zeal for their welfare, the most submissive patience; but it is at the same time not impossible to conceive a state of things, occasioned by the systematic irritation of a public body, which may raise feelings too strong to be restrained by the laws and obligations of public discipline. When these transactions are reviewed, as they most assuredly will be, by the Supreme Authority of the British Nation, it will be a question worthy their most lawful attention, whether the disease might not have been cured by temperance and mildness, without the loss of one life, and without any real diminution of power on the part of Government; whether instead of being strictly a conflict between the Army and Government, it is not be characterized rather as a contest with an individual, who had overstepped the legal limits of the authority with which he was entrusted.*

" In my Defence, I shall establish by Evidence the following points:—I shall shew, by those who took a part in these proceedings, that till the 6th of August, the military authority was exercised by the officers of the garrison, and that my authority as senior officer, in fact, ceased during that time to exist; that had I been disposed, or even attempted to leave the garrison within the dates specified in the Charges, it would have been wholly impracticable; that had I attempted to surrender the garrison at any time within those dates, the attempt would have been equally unavailing; that the firing on the 11th, was urged as a matter of strict necessity by the conduct of the Native troops on that day, and the inflamed state of the garrison; that there would have been a rising amongst those troops in the garrison, had not that measure been adopted to quiet their feelings; that when the detachment went out to cover the Chittledroog battalions, they abstained from all retaliation, in pursuance of their strict instructions to avoid any thing that might lead to bloodshed, though they had it in their power to destroy the camp; that the Chittledroog battalions, whom Sir G. Barlow exempts from all blame, were saved by the firing on the 11th, and brought within the protection of the fort; that on the 20th August, when the Hyderabad Letter arrived, I gladly availed myself of that opportunity of surrendering the garrison; and that had it not been for my example and influence, the fort would not have been delivered up.

" I shall call no Witnesses to my character: I trust that I need none. I will not even refer to the public recorded thanks, which I have more than once received for my services from different Governments. The testimonies of my conduct are to be found in the whole of a life dedicated to the service of my country. I shall not remind you of the long, and I hope, not inglorious career in the service, though which I have passed. If, as I have been day after day, ignominiously marched across this very spot, from the place of my confinement to that of my trial, and called on to defend myself against the worst of Charges; many of those recollections awaken themselves in my mind, which sometimes embitter the present by recalling the past: they will not appear unnatural; for it cannot but have occurred to me, as no light visitation of that Providence, who humbles us with unforeseen vicissitudes, that on this very spot, in which I have more than once exposed my life for the preservation of the British power in India, it should now be endangered by an accusation of having attempted to destroy it.

" I might here advert to the length of my confinement, which has been embittered by many needless severities. This might be well considered as a punishment more than equal to any error, or even any offence I have committed. I forbear, however, from dwelling on the subject.

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"But I repose with confidence on your justice; you are emphatically a court of honour; I am convinced, that neither the awe of power, nor the blandishments of hope, nor the allurements of interest, will direct you from the severest rectitude of judgment on this awful occasion. I know, that disdaining those prejudices, and subduing those animosities which sometimes bring a man to his trial with anticipated conviction, you will feel, amongst the other obligations of your duty, that of redeeming an innocent man from unjust accusations. With this cheering reflection I shall close my Defence, and thank you for the patience with which you have heard it.

(Signed) "*J. Bell*, Lieut. Col. Art."

Major KENNY, of the 19th Regiment Native Infantry, a Witness in support of the Defence, duly sworn.

The Charge *is read.*

Question from the Prisoner:—Were not the officers of the Garrison of Seringapatam under the direction of a Committee or body of Officers previous to the 6th of August last?—Yes.

Was I a member of that Committee?—No.

From your own knowledge of the state of the garrison, within the dates specified in the Charges, was it practicable for me to have left the fort at any time within those periods?—To the best of my belief, it was not.

From your knowledge of the state of the garrison, was it possible for me to effect a surrender of the garrison at any time within those days?—I certainly think not.

From your knowledge of the state of things in that garrison on the 11th of August, would not the attempt have been made to protect the Chittledroog battalions, however averse I might have been to that measure?—It is my opinion, that the garrison would have gone out at all events.

Describe to the Court the state of things in the garrison on the day and night of the 11th, occasioned by the affairs of that day?—The greatest agitation prevailed in the garrison; so much so, that myself and the greater part of the officers of the corps remained in the barracks all night. I have heard several natives calling out for revenge; and, as near as I can recollect the words, calling out to be led on to Mysoor, or the camp.

From your knowledge of the state of things in the garrison, was not the driving off the encampment from their position on the night of the 11th, a matter of necessity urged by the irritations and violent conduct of the Native troops?—I think it was.

When the detachment went out from the garrison on the 11th, to cover the Chittledroog battalions, was the detachment fired on, and by whom; and was the firing returned by the detachment?—The detachment was fired on by the party left behind in Colonel Gibbs's camp, and the fire was not returned by the detachment.

Why was it not returned?—I believe with a wish to prevent the effusion of British blood.

Were you present on the 13th of August last, when any conversation took place between Lieutenant Grove and myself; did you hear me make use of any such expression as, "I think the King's troops want to take possession of the country," or words to that effect?—I was present, and did not certainly hear any expression of the kind made use of.

On the 20th of August last, when the Letter from Hyderabad was received in the garrison, did I not induce and influence the officers, as strongly as I could, to sign the Test?—Yes.

Even after they had signed the Test, would the officers have surrendered the fort, had it not been for my entreaties and influence? State whence you derive your knowledge of that fact.—The night before we marched out, the Officers of the 2d battalion of the 19th could not be prevailed upon, until Lieutenant Colonel Bell used his efforts to that effect. I merely speak of the 2d battalion 19th, as coming more particularly within my own knowledge, having commanded the corps, and indeed I think the junior part of the garrison.

Did not my signing a Paper, recommending the garrison to be given up, induce the officers to come into that measure?—Yes.

Was not the receipt of the Hyderabad Letter what induced the Officers to sign the Test?—I think it was.

Judge

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BELL.

Judge Advocate:—Did the Sepoys of the 2d battalion 19th Regiment Native Infantry, reside inside or outside of the fort previous to the 30th July last?—Outside.

After that day where did they reside?—Within the walls of the garrison.

By whose order?—I supposed the garrison under the influence of the Committee: I cannot charge my memory who gave the order.

Was Lieutenant Colonel Bell aware of the existence of that Committee?—Yes; I waited upon Lieutenant Colonel Bell with the proceedings of a Committee on the exchange of arms, and I heard him say, he had no influence in the garrison.

Did Lieutenant Colonel Bell communicate publicly to the Officers of the garrison, that he had signed the Pledge of Obedience on the 3d August?—I cannot charge my memory that he did.

Can you say whether Lieutenant Colonel Bell saw a Letter addressed to himself and the Officers of the garrison, by the Honourable Mr. Cole and Lieutenant Colonel Davis, on the 3d of August?—I cannot say that he did.

Did Lieutenant Colonel Bell, to your knowledge, take any public means to suppress the agitation in the garrison?—Lieutenant Colonel Bell, on resuming the command of the garrison, issued an order prohibiting all meetings of officers.

Did Lieutenant Colonel Bell, from the 6th of August to the 20th, or previous to the receipt of the Letter from Hyderabad, call upon the officers of the garrison to accede to the terms of Government?—I cannot charge my memory that he did.

Had not the Letter from Hyderabad been received, would the fort have been given up?—I think not.

For what reason did Lieutenant Colonel Bell agree to deliver up the fort on the receipt of this Letter from Hyderabad?—I don't think it rested with Lieutenant Colonel Bell; the reason the officers consented to give up the garrison was, that they could not then be called on to spill the blood of their brother officers.

Did the battalion under your command receive any extra allowances during the period of the Charges?—Not to my knowledge.

Question from the Court:—Did Lieutenant Colonel Bell endeavour to suppress the meetings of the Committee previous to the 6th August?—I don't know.

Were you so situated as to be able to hear all the conversation that passed between Lieutenant Colonel Bell and Lieutenant Grove, the day the meeting took place; and was it possible that Lieutenant Colonel Bell could have made the expression alluded to without your hearing it?—I sat opposite to Lieutenant Colonel Bell, and I do not think it possible he could have made made use of the expression without my hearing it.

Was any flag of truce sent on the night of the 11th to the camp near Seringapatam, previous to the fire being opened on it?—I do not know.

From your situation in the garrison, should you not have known it, had such an event taken place?—It might have been sent without my knowledge, as I remained in my barracks. The Witness retires.

Lieutenant NAPIER, of the 15th Regiment N. I. a Witness in support of the Defence, duly sworn.

The Charge is read.

Question from the Prisoner:—Were not the affairs of the Garrison of Seringapatam under the direction of a Committee or body of Officers, previous to the 6th of August last?—They were.

From your own knowledge of the state of the garrison, within the dates specified in the Charges, was it practicable for me to have left the fort at any time within those periods?—I do not think it was practicable.

From your knowledge of the state of the garrison, was it possible for me to effect a surrender of the garrison at any time within those dates?—It would have been impossible for Lieutenant Colonel Bell to surrender the fort during the time specified.

From your knowledge of the state of things in that garrison on the 11th of August, would not the attempt have been made to protect the Chittledroog battalions, however averse I might have been to that measure?—It undoubtedly would.

Describe to the Court the state of things in the garrison on the day and night of the 11th, occasioned by the affair of that day?—The officers and men were both in a dreadful state of agitation; the men called out loudly to be led against the camp, or Mysore.

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From your knowledge of the state of things in the garrison, was not the driving off the encampment from their position on the night of the 11th, a matter of necessity, urged by the irritations and violent conduct of the Native troops?—It certainly was.

When the detachment went out from the garrison on the 11th, to cover the Chittledroog battalions, was the detachment fired on, and by whom; and was the firing returned by the detachment?—It was fired upon from the European camp; the fire was not returned.

Why was the fire not returned?—Because it was not the intention of the Garrison or Lieutenant Colonel Bell to draw blood, if it could be avoided.

On the 20th of August last, when the Letter from Hyderabad was received in the garrison, did I not induce and influence the officers as strongly as I could, to sign the Test?—Lieutenant Colonel Bell certainly did every thing in his power to get the officers to sign the Test: there were many objections made to sign it.

Even after they had signed the Test, would the officers have surrendered the fort, had it not been for my entreaties and influence? State whence you derive your knowledge of that fact.—Colonel Bell did every thing in his power to get the officers to surrender the garrison at that time, and was the chief cause of its being given up. There was upwards of twenty officers at the mess of the 2d battalion 15th Regiment, the night before the place was given up. Major M^{c}Dowall came into the room, and informed the officers present, the fort was to be given up the next morning; the officers were much annoyed at this, and actually drew out a Paper to Lieutenant Colonel Bell, purporting that neither officers nor men would accept the terms of Colonel Davis. At the time this paper was about to be signed, Lieutenant Colonel Munro came into the room, and on the officers expressing their indignation, that the place should be given up on such terms, he, Lieutenant Colonel Munro, produced a Paper signed by Colonel Bell, to entreat that the place might be given up, and that the officers should take no further steps. In consequence of this, the intention of signing the Paper was given up, and the officers dispersed.

The Court adjourns till 10 o'clock to-morrow morning.

Saturday, the 2d of December 1809.

THE Court met pursuant to adjournment.

Members all present as before.

Lieutenant Napier is called before the Court, and his Evidence of yesterday being read over to him, he amends his Answer to the Question relative to the state of the garrison on the day and night of the 11th, as follows:

After the battalions had been cut up on the morning of the 11th, I went out to meet the stragglers as they were coming in; I met a great many dreadfully wounded: they were at that time abusing and blaming their officers for not allowing them to stand and fight against the party that attacked them: they also said that the Name of the battalion, which had been established at the battle of Assaye, was completely gone.

Judge Advocate:—Were you a member of the Committee of Officers, which you say exercised military authority within the garrison till the 6th of August?—No.

How did you learn that such a Committee existed?—I knew it, because there was a Member appointed from the 2d battalion 15th Regiment.

In what manner did this Committee exercise military authority?—They regulated, as we understood, every thing regarding the garrison.

Were the proceedings of the Committee communicated to Lieutenant Colonel Bell?—I don't know.

Did you consider that Lieutenant Colonel Bell had no authority in the garrison?—I conceived that the whole authority rested with the Committee and the body of Officers.

Until what period was this authority exercised by the Committee?—Until the 6th of August.

By what means did Lieutenant Colonel Bell resume his authority?—At the request of the whole of the officers assembled.

Had these officers, previous to this, refused obedience to the Government of Fort St. George?—They would not sign the Test, nor would they quit their corps.

Was Lieutenant Colonel Bell acquainted with this fact?—I do not know.

Did

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Did you ever see any of the correspondence of this Committee; and do you know whether Lieutenant Colonel Bell did ever see any of their resolutions?—I never saw any correspondence of the Committee that I recollect; and I do not know that Colonel Bell ever saw any of their resolutions.

Was it known to the garrison, that the battalions from Chittledroog were marching towards Seringapatam, before they appeared in sight on the morning of the 11th?—I heard it rumoured, that they were to be in the next morning.

Did Colonel Bell, to the best of your knowledge, hear this rumour?—I cannot positively say.

Did Colonel Bell, previous to the 6th of August, take any means to assert his own authority and resist the influence of the Committee?—I do not know that he did; it would have been useless.

Did Colonel Bell, previous to the 6th of August, assemble the officers of the garrison, and by persuasion, entreaty, or any other means, endeavour to induce them to return to their duty, or accept the proffered terms of Government?—I don't know that he ever did; it would have been equally useless with the other.

Had not the Letter from Hyderabad been received, would the fort have been surrendered?—I do not think it would, until the arrival of Lord Minto; it might have then been surrendered.

Question from the Court:—By whom was the Committee appointed?—By the officers of each corps.

By whose or what order was the Committee dissolved?—By the body of the Officers.

Did not Lieutenant Colonel Bell issue an order to dissolve the Committee, or forbid the meetings of officers?—He issued an order on a slip of paper, which was sent round to the corps in garrison on the 6th, prohibiting all meetings of officers.

After the 6th of August, when Colonel Bell resumed the command, was his authority uncontrouled; and was he free to act as he thought proper?—Colonel Bell's authority was certainly controuled considerably by the body of the officers, even at that time.

Previous to the arrival of the battalions from Chittledroog, were any orders given out in the garrison to provide for the accommodation of these corps, and if so, by whom?—I do not know that any orders were given out to that effect.

You have stated, that after Lieutenant Colonel Bell had resumed the command, his authority was controuled by the body of the officers; in what manner was it controuled?—They would not have permitted him to surrender the fort; and they always took care to be acquainted with every thing that was passing.

Previous to the receipt of the Letter from Hyderabad, did Lieutenant Colonel Bell ever attempt to surrender the fort?—Not that I heard of.

Did Lieutenant Colonel Bell communicate to the garrison, that he signed the Test on the 30th of August?—He once mentioned it to me, but I cannot recollect the date; I can only speak as to myself.

Question from the Court:—Did he mention this publicly or privately?—He mentioned it to me one day that I called on him at his house. I believe there was no other person present. The Witness retires.

Lieutenant WALKER of the 8th Regiment N. I. a Witness on the part of the Defence, duly sworn.

The Charge is read.

Question from the Prisoner:—Were you present with the Chittledroog battalions on the 11th of August?—I was.

Inform the Court what you know of the occurrences of that day?—On the 11th of August, between 8 and 9 o'clock, about 10 miles from Seringapatam, our baggage was cut off by the Mysore Horse; some Sepoys and followers were wounded: finding they approached in large bodies upon us, we conceived it became an act of necessity to take measures for our own defence. We drew up with our backs to a large nullah, and as they were continually attempting to charge, we fired two rounds at them, which entirely dispersed them. We then thought it advisable to make the best of our way into Seringapatam; as we were advancing they made several attempts to charge, but were as often repulsed by a round from the six-pounders. On our nearer approach to Seringapatam, we saw a party of His Majesty's 25th Dragoons talking

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to some of the Mysore Horse, who immediately on perceiving us went back to the regiment; an officer advanced, apparently with the desire of having a conference. I went out to meet him: he was at least 300 yards from the battalions; he galloped off in a most unaccountable manner to a party of the Mysore Horse in the rear; there was not a single shot fired at him, or at the Europeans, particular orders having been given to that effect to all the men of the battalions; shortly after, a strong body of His Majesty's 25th Dragoons charged, as also those of His Majesty's 59th Regiment marched down in double quick time, and the Mysore Horse charged in our rear. Within three miles of Seringapatam, several of our Sepoys, who were not able to keep up with the main body, were most wantonly massacred by a party of His Majesty's 25th Dragoons and the Mysore Horse.

The Court is cleared, and on being again opened, the following is read and recorded:

"Colonel Bell,

"You have assigned as a reason for introducing this statement in your Defence, that it is necessary to exculpate you from the charge of firing at the King's troops; the Court wish to give you every opportunity of bringing before them whatever may be deemed exculpatory evidence, but they cannot deduce in what manner evidence to facts, which occurred not within reach of the guns, or within view of the fort, can be of any consequence; they therefore think proper to object to the Evidence about to be given by Lieutenant Walker, unless it is introductory to any circumstance connected with the firing from the fort."

The Prisoner submits to the Court, that he only wishes to shew by this statement, that the firing from the fort saved the remains of the Chittledroog battalions; and the agitations which prevailed, caused the necessity of firing at night, which the business of the morning occasioned.

"Lieutenant Walker,

"I am directed by the Court, before whom you appear as an Evidence, to state to you their opinion, that in the mode which you give your Evidence, pointed disrespect is visible, and the most acrimonious language made use of, to describe facts which may be told without any of your own opinions, as to the manner in which those facts occurred, being introduced; and the Court particularly caution you against a repetition of such conduct."

Lieutenant Walker proceeds with his narrative.

The Sepoys being exhausted from fatigue, and panic-struck, made the best of their way into the Fort of Seringapatam, when they were in a great measure saved from the firing of the garrison. The state of the garrison was in dreadful alarm, and exasperated at the business of the morning; and the most dreadful consequences were to be expected, had not the firing at night taken place, as the Sepoys were calling out for revenge.

Describe more particularly what consequences were to be apprehended.—The murdering of the officers at night.

Judge Advocate:—Do you know under what authority, or for what purpose, you marched to Seringapatam?—There was no particular authority; we marched for the protection of our persons, understanding they were to be seized.

Did you, or did you not, march in consequence of some communication from Seringapatam; and if so, of what nature was it?—From no communication from Seringapatam.

Did you communicate with any person or persons in Seringapatam relative to your intention of marching to that place; or do you know if any communication was made?—A communication was made on our march from Chittledroog to Seringapatam; our prior communications were made to and from Bellary.

Can you say whether Lieutenant Colonel Bell knew that you marched to Seringapatam without orders from the Head Quarters of the Army?—I cannot say.

Question from the Court:—What reason have you for apprehending such consequences would have followed, as that of murdering the officers at night?—From the dreadful state of agitation that prevailed in the fort, and the Sepoys calling out for revenge against the Europeans in camp. Had not they been led out, or the firing at night taken place, I considered, from the state of alarm they were in, that they would have revenged themselves on their own officers.

Did

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Did they threaten to murder their officers, in case the Camp was not fired upon?—No.

Before orders were given for the fort to fire on the British Camp, did Lieutenant Colonel Bell take any steps to allay the ferment and irritation visible among the Native troops?—I do not know.

For what purpose were those guns with the battalions marching from Chittledroog, and by whose orders were those guns attached to them?—For our own protection; who gave the orders I don't know.

Judge Advocate:—Was any Letter or communication from the Fort of Seringapatam received during the march towards that place, and if so, what was the purport of it?—There was a note received, the purport of which was, to march as expeditiously as possible into Seringapatam.

By whom was that Note written? and was it signed by the Committee, or an individual?—There were initials to the Note, and it was supposed to be written by Captain Turner.

Do you recollect the date of it, or about what time?—I do not recollect the date, but we received it at Serah about the 9th.

Question from the Court:—What were the initials signed to that note?—I do not recollect what the initials were.

Judge Advocate:—Did the officers of the Chittledroog corps, by any communication with the Fort of Seringapatam, intimate to the officers of that garrison, that they meant to throw themselves into that fort for protection?—To the best of my recollection, we did.

Question from the Court:—At what time was that communication made; and was it written from Chittledroog, or subsequent to the march?—I do not recollect when or where it was written. The Witness retires.

Captain EDWARDS of the 8th Regiment Native Infantry, a Witness on the part of the Defence, duly sworn.

The Charge is read.

Question from the Prisoner:—Were you present with the Chittledroog battalions on the 11th of August?—Yes.

Inform the Court what you know of the occurrences on that day.—On the morning of the 11th, about 9 o'clock, the baggage of the battalions was cut off by the Mysore Horse, and some Sepoys and followers were wounded. The Mysore Horse galloped up to the battalions with an apparent intention of attacking them; seeing the battalions prepared, they desisted from charging them, but kept up a fire till the battalions arrived near the Bungalow, then, in conjunction with a part of the 25th Dragoons, and a part of the 59th Regiment, advanced to attack the battalions; some guns were fired by the Europeans. On their approach I urged Captain Macintosh to take post in an enclosed ground in the rear of a village in front of us. He at that time sent off Lieutenant Walker with a flag of truce to the troops advancing against him. The Europeans still kept advancing, as the Sepoys were ordered not to fire upon the Europeans; on the nearer approach of the Europeans the Sepoys advanced towards a nullah in the rear of the Bungalow. The Mysore Horse and Europeans had cut in, in the rear of the battalions; and the first battalion 8th Regiment, and a part of the first battalion 15th, flew to the nullah and crossed it; many of them lost their arms in the nullah. There were some guns fired from the fort before they crossed the nullah, which put a stop to the pursuit. The greater part of the battalions got into the Garrison of Seringapatam in a highly exasperated state at the cruelties that had been committed by the Mysore Horse and the 25th Dragoons. The men continued in a highly exasperated state; on the night of the 11th, the firing upon the encampment having taken place, the men were somewhat appeased.

Did you hear any particular expressions from the Sepoys during the day or night of the 11th?—They were highly disatisfied at the officers not having ordered them to fire, and talked of nothing but revenge.

Judge Advocate:—Where was the first battalion 8th Regiment stationed previous to their arrival at Chittledroog?—At Bednore.

Was any communication made during the march from Bednore, till you arrived at

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Seringapatam, of your intention to throw yourselves into that fortress for protection?—No, not to my knowledge.

Was any communication received from Seringapatam, from the period you left Bednore till your arrival at the former place?—No, not to my knowledge.

Question from the Court :—Was it ever explained to the Sepoys, they were acting in opposition to the Government?—Never.

The Witness retires, and the Prisoner delivers to the Court, the General Order of the 30th August, which is read and admitted.

Fort St. George, the 30th August 1809.

General Orders by the Honourable the Governor in Council.

" A REPORT has been received by the Governor in Council, from the Officer commanding in Mysoor, stating that the troops which composed the Garrison of Seringapatam surrendered at discretion on the 23d instant, delivered up their arms, and proceeded to the stations in Mysoor allotted for their residence. It has been ascertained that the Native troops which proceeded from Chittledroog were entirely ignorant of the real designs of their officers, and marched under an impression produced by their officers, that his Highness the Rajah of Mysoor had commenced hostility against the British Government, and attacked the Fort of Seringapatam. The appearance of the Mysoor Horse confirmed this opinion in the minds of those troops; and when they found in the contest before Seringapatam, which was begun by the Mysoor Horse, that the British force acted against them, they abandoned their arms, and endeavoured to save their lives by flight. It appears that a considerable number escaped into the Fort of Seringapatam. This explanation is due to the general conduct of the Native troops under this Government, who have in circumstances of peculiar difficulty manifested a fidelity and attachment to the State that reflects great honour on their character. The Governor in Council was persuaded that it was only by deceiving the Native troops that they could be misled from their duty; and their conduct in every situation, when they had an opportunity of being made acquainted with the true situation of affairs, justifies the high opinion which he entertained of their zeal and fidelity, and entitles them to the approbation and thanks of Government. The Governor in Council greatly ascribes the early termination of the disturbances in Mysoor, to the vigilance, energy, and talents of the acting Resident the Honourable Arthur Cole, and the Commanding Officer in Mysoor Lieutenant Colonel Davis; and he judges it proper again to express his high sense of the important services which they have rendered to the interests of their country in India.

" By order of the Honourable the Governor in Council."

(Signed) " *A. Falconer*, Chief Sec. to Gov^t."

" By order of Major General Gowdie, commanding the Army,"

(Signed) " *F. N. Balmain*, Assistant Adjutant General."

The Prisoner also gives in a Copy of this Letter, dated the 5th of August, which is read and admitted by the Judge Advocate, as being a true Copy.

" Sir, Seringapatam, 5th August 1809.

" IT has been communicated to me, that the Board of Officers, who controul in this garrison, have come to the determination not to be the first aggressors on the present alarming crisis. From the above, it is my opinion, they will in a little time come round, and follow the example set by so many, sooner than run a risk of the loss of British India.

(Signed) " *J. Bell*, Lieutenant Colonel, Senior Officer."

" To Colonel Davis, &c. &c."

(A true Copy.)

(Signed) *J. Sullivan*, Assistant Resident.

The Defence is here closed; and the Judge Advocate having stated his wish to reply, the Court adjourns till Tuesday morning the 5th, at ten o'clock.

Tuesday, the 5th day of December 1809.

THE Court met pursuant to adjournment.

Members all present as before.

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The Judge Advocate states in reply as follows:

Major General Warde, and Gentlemen of the Court,

AFTER the very attentive consideration which you have given to the investigation of the Prisoner's conduct, connected with the Charges preferred against him, I should think myself inexcusable if I occupied much of your time in commenting upon the Defence. I however owe it to myself, and the cause I have to support, to offer some few observations upon it. Gentlemen, the cause I have to plead is Military Discipline and Subordination, without which, an army would become an object of terror, instead of a safeguard to the Government which employs it. How far the Prisoner has by his conduct subverted these vital principles of an army, I will endeavour to deduce from the evidence before you. It appears that Lieutenant Colonel Bell did receive a written order to wait upon Colonel Davis with the officers of the garrison; he himself tells you that he directed the assembling of the officers, and so far obeyed the order, though Colonel Davis dispensed with their attendance, in consequence of the evident agitation among them. The Prisoner felt himself bound to obey the order as far as it related to the officers, but he claimed an exemption for himself, as not requiring admonition. Was the Prisoner aware of what Colonel Davis meant to say to those officers; and if even he was, should he not have waited upon his Senior Officer who required his presence, and have enforced that officer's advice by the weight of his own acquiescence in whatever he might urge? But the Prisoner seems to think a military man is entitled to a discretionary power of obedience, which is contrary to the acknowledged and received rules, sanctioned by ages, of the implicit and immediate attention which ought to be paid to the orders of a Superior. The Prisoner has arraigned the nature of the evidence offered in support of the Prosecution, on the grounds that he alone is responsible for the acts committed by himself, or in his presence; but this is a doctrine not more erroneous than it is dangerous to the existence of an army. The Articles of War clearly point out, that any officer or soldier coming to the knowledge of any mutiny, or intended mutiny, shall give information of it without delay. And as a mutiny is not the act of one man, but several combined, the acts of the whole must be chargeable upon every one concerned; for otherwise, an officer placed in command may assist the mutineers by allowing his authority to be usurped, while he remains a quiet spectator of their seditious proceedings, and evades the responsibility attached to, "the not doing his utmost to suppress the mutiny." Colonel Bell was not only Commanding Officer of the Garrison but Senior Officer of the Artillery there, whose actions he might have guided; and it does not appear that he ever made any appeal in the cause of Government to those men, on whose services he could have depended, and with whom he might without fear of opposition have retired from the garrison. The Prisoner has endeavoured to prove to the Court, that till the 6th of August his authority was restrained by a Committee of Officers, and he argues from this circumstance, that any criminal acts done in the garrison till that day, he is not responsible for. Has the Prisoner shewn the Court that he did not receive a Letter addressed to him by Captain Webster, expressive of Colonel Davis's wish to be permitted to leave the fort. It will be said, he is not bound to shew it—I should prove it. And in my humble opinion, I have offered evidence sufficient to ground a fair presumption that he did receive it. The Orderly, Modeen Khan, says he took a Letter to Lieutenant Colonel Bell's house, where there was a guard, who prevented his going in, it was therefore impossible to deliver it in person; but though perhaps, in the strict sense of the word, this was not a delivery, yet it will naturally suggest a strong probability, that Lieutenant Colonel Bell must have received it. If then, Gentlemen, you feel satisfied that it reached his hands, you will find a co-operation on the part of the Prisoner in the transactions of that day, as it cannot be allowed, in a military point of view, that the usurpation of a body of officers shall warrant an officer in command, in tacitly submitting to acts of such a monstrous nature, as that of placing a restraint on the person of a Superior Officer. If the Prisoner had resigned his authority, it is strange that he should have made himself the spokesman of the garrison, by communicating to Colonel Davis, that all his orders would be obeyed which did not affect the Company's officers. He never tells him, that he no longer considers himself as Commanding Officer, or waits upon Colonel Davis to concert measures for the restoration of good order and subordination. He thinks it sufficient to send the officers; and when he hears that the officer commanding the division is apprehensive his orders will not be obeyed, he takes up his pen, instead

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of waiting immediately upon him, and personally assuring him, that his authority shall not be insulted. The Prisoner has argued from Mr. Casamaijor's evidence, that he had no authority, and that the seizure of the Treasury in that gentleman's custody, was not made with his privity or consent. Admitting it was not, the report of the seizure was made known to him; and it does not appear that he took any measures to effect a restoration of it. But the Prisoner seems to think there is no offence in the seizure of the public money, because none of it was expended; so that if a man robs me on the highway, and afterwards restores what he has taken, Justice is not offended, nor is any reparation to be made for the act he committed. It is not asserted that the Prisoner disbursed any of that money, but the allegation of the Charge is supported by evidence; and if you are satisfied that he has permitted or sanctioned the seizure, it is an act of mutiny to the Government of Fort St. George. Subject to the same remarks are, the seizure of Mr. Paymaster Smith's Treasure, and that from the Ceded Districts. The Prisoner, though in some cases disclaiming any wish of taking advantage of the penury of evidence, here resorts to the benefit which may be derived from such assistance, and endeavours to shield himself from the responsibility of these acts, by referring you to the power exercised by the Committee. It will perhaps strike you, Gentlemen, that if the Prisoner has made it apparent that he was subject to a controuling power, it is strange that the Havildar who escorted that Treasure should have gone to Lieutenant Colonel Bell's house, accompanied by Captain Cadell, and on that officer's coming out, be told that there was danger on the road, he could not depart. That a Staff Officer should take it upon himself to give these orders, will not easily be credited; it is therefore fair to presume that the Prisoner must have been acquainted with the nature of the duty on which that Havildar had arrived, and consequently with the seizure of the Treasure; and admitting that he did not issue the order, it must be evident that the Prisoner was in duty bound to make a report of the measures which had been adopted, founded on the information given by the Havildar. He did not do so; and the Army have been told from high authority, that the neglect of duty is an offence varying only in degree from a positive violation of it. I here repeat the substance of the Charge, which is, that Lieutenant Colonel Bell did join in, and head a most alarming Mutiny, which took place within certain periods, during which the public Treasure was seized, and other overt acts committed; and an appeal is now made to the opinion of enlightened military men, whether an officer who abstains from any attempt to suppress such disorderly proceedings, either by the exertion of his own authority, or by giving information to the superior power, shall stand absolved of all blame, or can found a claim to immunity.

The Prisoner states, that it was evident that his authority was usurped, as he could not even receive a Letter; and draws an apology for returning Colonel Davis's on the 31st, from the danger attending his freedom; so that here we have a new principle introduced among military men: a garrison is in a state of mutiny, the authority is usurped by a body of officers, and the only man uninfected with this disease, is the Senior Officer, who quietly submits to this usurpation; and under apprehension that his freedom may be endangered, refuses all communication with his Commanding Officer. Can any act be more insulting to the feelings of an officer, than this? But the Prisoner complains, in his Letter of the 6th of August, that Colonel Davis was not communicative; if he had adverted to this rejection of his Letter on the 31st, he would have solved the reason why Colonel Davis did not communicate with him. And the Prisoner seems to forget, that Colonel Davis and Mr. Cole conjointly addressed a Letter to him and the officers of the garrison on the 3d of August. Here was a communication, but the Prisoner says he did not see that Letter, although Major Freese has told you that it was given to him either by Lieutenant Colonel Bell or Captain Cadell; and as there were only those three present, he concluded Colonel Bell must have read it. Gentlemen, there is no man more anxious than myself that the Prisoner should receive every advantage that may arise from the failure of the evidence on the part of the Crown; but, Gentlemen, I should wrong your understandings, if I could for a moment doubt that this evidence of Major Freese did not carry conviction to your breasts, that the Prisoner must have seen this Letter addressed to himself and the officers of the garrison; and I have still another claim to your belief on this point, by recalling to your recollection, that on this very day the Prisoner transmitted to Lieutenant Colonel Davis the Pledge of Obedience signed by himself, and the Declarations of the officers under his command, which were inimical to the authority of Sir George Barlow and the Government of Fort St. George,

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George, and these Declarations, together with the Letter before the Court, formed the reply to that addressed by Colonel Davis and Mr. Cole. I will not dwell longer on this point, as whether Colonel Bell did or did not read that Letter; it must be apparent that he well knew the garrison were in a state of mutiny, and no earthly consideration should have induced him to countenance their proceedings after the rejection of the proffered terms of Government. It is an idle reason to assign, that the officers were afraid of being employed against their brother officers, as an excuse for this rejection, because one of the terms offered, was, that if they would not act up to the spirit of their Commissions, they were to secede from the performance of military duties, which was a complete bar to the objection offered on the part of those officers. The Prisoner has argued, from Colonel Davis's note in reply to the above communication on his part, that Colonel Davis could not have considered him as implicated in the proceedings which had taken place. I cannot declare what were the sentiments of that officer upon the occasion, but I am well assured, that the Prisoner has no right to draw the inference he has done, merely because Colonel Davis said his heart and house were open to him. I should rather draw a conclusion, that whatever may have been that officer's opinion of the Prisoner's preceding conduct, he rejoiced that the Prisoner felt a proper sense of the duty he owed the Government under which he served, and Colonel Davis therefore forgot all the insults which had been offered to his authority. The evidence of Captain Webster and Lieutenant Beaumont sufficiently shews, that Colonel Davis was impressed with the idea that his person was under restraint by the sanction and authority of the Prisoner; and the very circumstance of his sending in the Test on the 31st to Lieutenant Colonel Bell, is corroborative of the fact that Colonel Davis did consider the Prisoner implicated in the proceedings of the former day. Gentlemen, it has not, nor cannot be disputed that the Prisoner knew the sentiments of disaffection which existed in the garrison; that the troops composing it, were exercising military duties in opposition to the obedience due to the constituted authorities, and the resuming the command (if he ever lost it) over these troops, who were in a state of Mutiny, constitutes an assimilation of his conduct with theirs. And it has no where been proved that Lieutenant Colonel Bell did take any means to suppress the agitation that existed, or enforced obedience to the terms offered on the part of Government. The Prisoner arraigns the Prosecution, because it is loaded with the particulars of casual expressions and conversations; but I know not from what is to be deduced a mutinous intention, if it is not traced to the language and conduct of men. And I do think I should have neglected a material part of my duty, if I had not given to the Court the most minute circumstances which had any relevancy to the Charge preferred. And whatever the Prisoner's feelings may be as to what constitutes Mutiny, I cannot but declare that the very speeches he made to Lieutenants Cadenskie and Adamson, are indicative of an intention hostile to the interests of good government and due subordination. To the one, he says, fire upon any body of troops coming upon such a road; to the other, he advises him not to go to Mysore, as he may be certain it would be in ashes in a few days. Did the Prisoner ever intimate his apprehension of such an event taking place to Lieutenant Colonel Davis? No. If he was anxious for the suppression of the dangerous measures which were going on before his eyes, he would, it is to be presumed, have used every exertion in his power to communicate with the Officer commanding, in order that the intentions of the garrison might be frustrated. But on examining these voluminous proceedings, we find one solitary instance of the information he gave at this alarming crisis. I allude to that Letter wherein the Prisoner says, "I am commanded to direct, that the detachment of the 80th should leave the garrison." If, instead of an acquiescence with this order, the Prisoner had called forth the exertions of those men, together with the 200 artillery-men under his immediate command, and either declared his intention of resisting any encroachments upon his authority, or had withdrawn those troops to Mysoor for the protection of the seat of government of the Rajah in alliance with the Honourable Company; he would then have merited the applause of his country; and the spectacle of a British garrison defying the authority of the Government, might have been prevented, as the officers of the Native corps could not have persisted in retaining possession of that fortress after the secession of those Europeans from their cause; and even had they been so fool-hardy, the Natives would soon have learned the nature of the cause in which they were engaged, and most probably have declined a contest with the Government of the country. I have been throughout this whole

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trial anxious to extract from the evidences aught that might tend to show whether the Prisoner did make any exertions to vindicate his insulted authority, or to stop the progress of such seditious proceedings. Major Macdowall says, he throughout recommended moderation; but is this the extent of the exertions that ought to have been made by a man who was entrusted with the command of a fortress of so much importance? History will not show a parallel of such extraordinary supineness; and it will scarce be credited, that a man who professes an ardent desire for the preservation of good order and military discipline, should have acquiesced in silence to the usurpation of his own authority, and the adoption of measures injurious to the cause of subordination. The Prisoner ought, and might have made an expiring effort for the preservation of his authority—he did not; and he becomes answerable for the consequences. I will now leave the period of the reign of the Committee, and advert to that when Lieutenant Colonel Bell acknowledges that he resumed his command, which was on the 6th of the month. Gentlemen, I have termed his Letter of that day extraordinary and mysterious; and unless the Prisoner has convinced your understandings, that he had no share in the transactions up to the date of this Letter, and was ignorant of the Letter of the 3d of August, I shall be justified in the terms I have applied. He had signed the Test on the 3d, and on the 6th he addresses a Letter to his superior officer, in which he says, he has been treated with the greatest possible neglect, and has had no intimation of the objects Government had in view. How is this to be reconciled with the rejection of Colonel Davis's Letter on the 31st?—His ignorance (as he wishes it to appear) of the Letter addressed to himself and the Officers of the garrison on the 3d of August, which it is evident he might have read, as Major Freese read it in his company, and part of the contents were commented upon. But the Prisoner asserts, that this Letter is expressive of his amicable intentions: Examine it. He hears of preparations making by the Mysoor Government, but knows not whether such acts have the sanction of the Supreme Government, or the Government at home; so that here we see an officer, who by the seniority of his rank, holds the command of the Fort of Seringapatam, becomes suddenly a politician, and ventures to question the object of measures adopted by a Court in close alliance with the Government of the country, although it cannot admit of a doubt but the Prisoner must have been satisfied in his own mind that the Court of Mysoor, at which a Representative of the British Government was residing, could not have moved but in conjunction with that Government. The Court will easily imagine, that a Letter of this nature, exhibiting a determination to resist measures of which advice had been sent into the fort on the 3d, could not meet with any attention from Lieutenant Colonel Davis, who saw in it a renunciation of that Pledge of Obedience which had been so lately offered, and a resolution on the part of the Prisoner to join his fate with those of the garrison, who were positively in a state of mutiny. The Prisoner has but slightly adverted to his Letters to the Dewan, or the replies to them, which afford conclusive evidence that the Prisoner, even if he did not read the Letter of the 3d, received information that the British Resident sanctioned the several acts of the Mysoor Court, and the Prisoner must therefore not seek his exculpation on the plea of ignorance, but claim his acquittal at your hands, on the grounds that he was justified in retaining possession of the fort in opposition to the local authorities, and in expectation of the arrival of Lord Minto. I will here take the liberty to observe, that his Lordship's Proclamation in Bengal, declaratory of his intention to visit the Presidency of Fort St. George, could not possibly absolve the servants of this Establishment from the obedience due to the existing Government, and therefore the Prisoner must be considered liable to a charge of Mutiny, for declaring he would not deliver up the fort to the legal and constituted authorities. That he did so, is recorded on your Proceedings, and though denied in the Defence, yet no evidence has been adduced to support such denial; I am therefore warranted in saying, that this fact is uncontroverted. I come now to consider the arguments adduced in justification of the alleged overt act of firing on the troops of His Majesty. The Prisoner has disclaimed all previous knowledge of the march of those battalions from Chittledroog. Major Macdowall has expressly stated the instructions under which he marched, and that he made a report to Lieutenant Colonel Bell on his return; this must satisfy the Court that the Prisoner was not wholly ignorant of the expected approach of those battalions. It will however be acknowledged, that there is an invariable rule in the Army, that notice of the approach of any force towards a garrison shall be sent to the officer in command of such garrison. It does not appear that Lieutenant Colonel Bell received intimation of their approach, and no communication

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communication had been made by the Assistant Quartermaster General to that effect, the Prisoner might therefore without much difficulty have concluded, what was really the case, that these corps were marching towards Seringapatam contrary to orders; and the Prisoner could not well be ignorant of the intentions with which Lieutenant Colonel Gibbs's detachment had encamped near the fort, as it is not customary for a British force to take up a position so near a garrison, without making some communication to the officer commanding. This was not done, and a man of the Prisoner's experience ought to have been aware, that that detachment had arrived with hostile views against the garrison. Gentlemen, the Prisoner has offered, in exculpation of his conduct on the 11th of August, a forcible appeal to your passions, and has endeavoured to convince you, that humanity alone influenced him to fire upon the troops of His Majesty. It will therefore remain for you to determine, how far humanity has a right to interfere in the protection of those who are committing an illegal act; and if you exonerate him from all criminal intention in firing during the day, another question will arise, whether he was justified in repeating this act at night-time, to allay the agitation in the minds of the Native troops. It is to be presumed, that Lieutenant Colonel Bell was informed, in the course of that day, that these battalions had marched to Seringapatam without orders, and he could not consider them in any other light than as men who had committed a high breach of military discipline, and that the transactions of the morning were only the consequence of an evident act of mutiny. How then is the ferment among the Native troops, arising out of an illegal act, to form an apology for so heinous an offence as that of firing upon Colonel Gibbs's camp. If, Gentlemen, I have erred in my exposition of this last act, I beseech you to let the Prisoner have the full benefit of the humane intentions which he asserts guided his actions. This is not a prosecution of revenge, but an enquiry instituted by state necessity. An alarming mutiny did exist within the garrison under the Prisoner's command, and it has become an obvious act of justice, to give him an opportunity of proving to the world that he did not join in or head that mutiny. The arguments adduced to prove there was no mutinous intention, amount simply to this: Colonel Bell had not, previous to the 30th July, signed any Address or Memorial, nor joined in the spirit of combination which had been manifested too generally throughout the Army, therefore it is not probable that he would suddenly turn from the path which he had followed, to assist in the mutinous proceedings of the garrison. Although I am willing to admit the full force of this reasoning, I must confess it is difficult, after a perusal of the evidence before the Court, to absolve the Prisoner from all participation in the guilt of others. How is it to be reconciled to common sense, that a man, uncontaminated with the spirit of sedition, should, after he had received information that the officers of a garrison had refused obedience to the Government of the country, and that a resolution had been expressed by the local authorities in Mysoor to assert and support the diginity of that Government, countenance the mutinous proceedings, by declaring his resolution to resist all attacks from the Mysoor Government?—Is mutiny against the State to be covered by so thin a cloak as this? He knew the Mysore Government acted in conjunction with the local authorities, and yet he would resist that Government—under what principle had the Prisoner a right to call on his Superior Officer to state whether the preparations which he alludes to, had received the sanction of the Supreme Government. The Officer commanding in Mysoor was alone responsible for any attempts that might have been made against that fortress, and if the Prisoner could not assist in restoring it to the proper authorities, he ought at least not to have lent the weight of his influence and exertions in opposing any meditated attack. In the commencement of the Prisoner's Defence, he has expressed a dissatisfaction at the mode in which the Prosecution was opened; and I have therefore candidly to assure him, it was my peculiar object to avoid what might be considered an attempt to make an undue impression on the Court; and I did think, by tracing the progressive steps to mutiny, it would have clearly pointed out, that before the period of the Charges, every military man had received sufficient warning of the consequences attending an opposition to Government, and therefore should have established a rule of conduct from which nothing could induce him to depart. Throughout this Prosecution, I have followed what I conceive to be the path of justice both to the Crown and Prisoner, and before *this* Court it would have been difficult for me to make the slightest deviation. I cannot but express my surprise, that the Prisoner should have cast a reproach on the Government of the country for admitting, as the first objects of Amnesty, the Hyderabad Subsidiary

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Force, who, by their return to the duty they owed the State, averted the most dreadful consequences, and gave the Prisoner an opportunity of effecting, as he states, that which constitutes the principal feature of his Defence; I mean, the ultimate surrender of the fort. If the Prisoner really felt a pure satisfaction at the success of his exertions, it would be unmixed with the bitterness of sarcasm exhibited in this passage; and whatever may be his own lot, he should rejoice at the Pardon granted to those from whose conduct such public benefits had been derived, although it is no part of my duty to become the apologist of any body of officers implicated in the late unfortunate proceedings. Yet as this trial may go forth to the world, I hope I shall stand excused in stating, from my own personal knowledge, that the Hyderabad Subsidiary Force were the last, not the first, to engage in any of the recent transactions, as no Papers or Memorials had been signed in that quarter of the Army till after the 1st of May; and it must be apparent, that a spirit of revolt had manifested itself previous to that date, and the officers at that station were urged, not only by entreaty, but by reproaches, to lend their assistance to what was termed, the cause of the Army. I have now, Gentlemen, to conclude my remarks on the whole of the Proceedings, and with the most perfect confidence in the justice and ability of this Court, resign the merits of the case to its decision.

Judge Advocate:—The Proceedings are here closed, and the Court adjourns till Friday morning the 8th instant, at 10 o'clock.

Friday Morning, the 8th December 1809.

THE Court met pursuant to adjournment.
Members all present.

The Proceedings are read over; and it being near three o'clock, the Court adjourns till 10 o'clock to-morrow morning.

Saturday, the 9th of December 1809.

THE Court met pursuant to adjournment.
Members all present.

SENTENCE:

"The Court are of opinion, that the Prisoner, Lieutenant Colonel *John Bell*, is guilty of the Charges preferred against him, which being in violation of the Articles of War, and subversive of good order and Military Discipline, they do sentence the said Lieutenant Colonel *John Bell* to be Cashiered; and do further declare him unworthy of ever serving the Honourable Company in any Military capacity whatsoever.

(Signed) "*Henry Warde*, Major General, and President.
"*W. Ormsby*, Deputy Judge Advocate."

To Lieut. Ormsby, Deputy Judge Advocate, Bangalore.

"Sir,

"I AM directed by the Officer Commanding the Army in Chief, to return to you the accompanying Proceedings on the trial of Lieutenant Colonel John Bell, for the further consideration of the Court.

"The first point to which the Officer Commanding the Army desires to call the attention of the Court, is the very injurious reflections which the Prisoner has thought proper to make use of against the two Supreme Authorities of this country:—His Excellency the Right Honourable the Governor General, and the Honourable the Governor of Fort St. George.

"A Prisoner has certainly a right to urge every topic that is necessary for the clearing himself of the Crime of which he stands accused; but beyond this, his situation can entitle him to no privilege whatever in that way. The invectives against the two Authorities, above alluded to, which the Prisoner has thought proper to use, instead of lessening the Crimes he was to answer for, only prove more fully the malicious disposition under which he acted; and considered as an invasion of that just respect which the Government of every country is entitled to from its subjects, it is impossible to warrant their admission.

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" In no Court of Justice whatever is a Prisoner ever allowed to give vent to his passions, in wanton and personal reflections on others, much less to attempt to spread disaffection against the Government of the country, and to bring its acts into degradation, under the pretext of making his Defence. And, in the present instance, it must be obvious, that his own Defence was but a pretence for Lieutenant Colonel Bell calling in question the right of Government to send home officers without trial. Such formed no part of his own case, and he had therefore no right whatever to allude to it, or to allude to the several topics in the underscored lines of his Defence.

" Whilst it is the privilege of a Defendant to show that he has not infringed the law, he is never allowed in his pleading to impeach the justice of the law itself, or to call in question the general theory of the constitution: and such was the principle on which a great constitutional Magistrate acted, when he stopped a Prisoner in his Defence of some seditious writings, by telling him, " You shall not be suffered to give the reasons of your damnable doctrine here to seduce the King's subjects." (Speech of Lord Chief Justice Hyde on the trial of Keach. State Trials, vol. 2d, page 552.)

" Lieutenant Colonel Bell has affected to stand forth the Champion of the Rights of the Army; and by making it be believed, that he had fallen a Martyr to their cause, has sought to rouse their feelings to sentiments of fresh inveteracy against Government; an offence which was aggravated from the place where it was committed; for who shall be deemed offenders, if not they who offend in Courts of Justice?

" The Officer Commanding the Army must therefore look for these passages being expunged, as they can in no ways avail the rights of the Prisoner, whilst they infringe upon those of others; and hold forth a dangerous example of the proceedings of a Court of Justice becoming the vehicle of reflections, as hostile to the just respects which is due to Government, as they are injuriously applied to the two eminent characters who fill the two first stations in this country.

" I am further directed by the Officer Commanding the Army, to call the attention of the Court to the nature of the Sentence which has been passed on Lieut. Colonel Bell.

" Familiar, from long experience, with the general feelings of military men upon Questions of this nature, and with a train of decisions before him, the Officer Commanding the Army finds himself imperiously called upon not to record a silent confirmation of the above Sentence; but to discharge that duty which the law has bound him to, by sending back for revision, a Judgment at variance with every principle which has hitherto governed military tribunals, in cases similar to the present; if, indeed, a case of similar atrocity can be found in the annals of our military history.

" The Prisoner, in his command of Seringapatam, and in the custody of an important Fortress, was invested with one of the most sacred trusts that can be confided to a Soldier. He has been convicted by the Judgment of the Court, of joining in an open Mutiny of the garrison under his command; of holding the fortress against the Government by which it was placed under his charge; of turning the arms of the State against the State itself; of committing actual hostility against the troops of His Majesty, and of his own immediate Superiors the East India Company; against whom he fired shot and shells from the ramparts of the honourable Company's own Fortress. He committed these enormous and detestable crimes in concert with, and under pledges of mutual support from other parts of the same Army, leagued together in a guilty conspiracy against their Government, their King, and their Country. His Crime, therefore, includes every thing that is treasonable in a Subject, wicked in a Man, or infamous in a Soldier.

" In addition to its moral enormity, it is the most dangerous that can be committed against the peace and security of mankind; and the pretexts by which he has attempted to justify his conduct, are either so futile and contemptible, as nearly to insult the Tribunal to which they were tendered; or of such a character as to add to his offence. What case can be imagined therefore, in which the penalty appointed by the law for Mutiny and Sedition can be adjudged, if it is withheld from the Crime of which the Court Martial has declared him guilty!

" His Defence, so far from entitling him to peculiar indulgence, contains many passages which common decorum will not admit of remaining on the Records of the Court; and which, so far from indicating any sentiments of contrition or reformation of the depraved habits of his mind, tending to extenuate former guilt, amounts to a new profession of the same criminal disposition, and a continued determination to promote the same reprehensible cause.

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" Amongst these, the Officer Commanding the Army cannot omit to notice, in terms of the warmest censure, the slanderous, and at the same time mischievous and dangerous language, in which he affects to speak of the opposition which, in obedience to every dictate of duty, was made to the criminal march of the battalions from Chittledroog, to reinforce the revolted Garrison of Seringapatam. It is matter of regret to the Officer Commanding the Army, that the Court should have permitted a Prisoner, in his circumstances, to blacken the character of His Majesty's troops with the false and infamous aspersions of carnage and massacre; because they discharged their duty with fidelity in repelling that seditious mutiny, of which the Court has found the Prisoner himself to be a partaker and ringleader.

" On this scandalous topic, the Prisoner has endeavoured to pervert the declaration of Government in General Orders, " that the unfortunate soldiery of the Native battalions of Chittledroog were entirely innocent." Government, as he knows, made that declaration, on the ground that those Native troops had been kept in ignorance of the criminal object for which their officers led them to Seringapatam, and had been deluded into a false opinion, that they were marching to support the Company's Government against a foreign attack. Government made the declaration, upon the foundation of the deluded Sepoys having been deceived into the belief that they were discharging their duty faithfully to the Company, whilst in reality they were led by their officers to levy war against its Government. On one hand, therefore, that many innocent and meritorious men suffered in that lamentable day, is a truth, which can never be sufficiently deplored, and must lie heavy on the consciences of those whose criminal enterprize led to that calamity. On the other hand, the loyal troops who opposed them, performed a painful, but sacred duty, in repelling by force an open act of revolt. For what purpose, then, did Lieut. Colonel Bell presume to vilify the characters of these faithful men, by treating the action of that day as a carnage or massacre? It was not necessary to his cause to do so. It was a fresh attempt to irritate, by misrepresentation, one part of the army against the other, and to alienate the affection of the Native soldier from his Government.

" This was done at the very bar of the Court, which was thus converted into an organ of falsehood and sedition, by one who should have been made to feel that he stood there in jeopardy himself for the crimes charged against him; and that so far from meriting a mitigated Sentence, by a repentant and decorous demeanour, these fresh demonstrations of a hardened, uncorrected mind, left no room for mitigation or lenity.

" In the above view of the general subject (and it will not be found an exaggerated one) the Officer Commanding the Army was led to have looked for a different kind of Judgment being pronounced by the Court.

" He was led to this expectation, on a large experience of the Sentences pronounced by Courts Martial in cases of a very inferior species of guilt.

" When a private soldier deserts his colours, or joins in any mutiny or sedition, he is liable to the heaviest penalty of the law. But the offence of a private soldier is aggravated in the person of his officer; whose better education should preserve him from error, and whose superior station renders his crime at once more dangerous to society in its immediate effect, and in the example it holds forth.

" A mutiny took place in the corps of Artillery (to which Lieutenant Colonel Bell belongs) at St. Thomas's Mount, in the year 1798, but which did not last perhaps four hours, and during which no particular outrage was committed; all the soldiers who on their trial were found to have joined in it, were capitally convicted, and three of them suffered accordingly.

" In a mutiny of a more recent occurrence, which took place in 1806, (and to the particulars of which it is not necessary to recur) twenty private Sepoys, with two Native commissioned officers, or nearly that number, either suffered the highest penalty of the law, or were at least capitally condemned.

" Nor was the propriety of these examples being made, ever called in question.

" With so many instances of a different penalty on record, it will be difficult perhaps to reconcile to the public feelings the propriety of the present Judgment.

" And if any thing could strengthen this reasoning, it is a consideration of the circumstances of the present moment, which, more than at any former period, imperiously call for an example.

" Entertaining these views of the Crime, and of the Trial, in which the Officer Commanding the Army cannot discern one circumstance of extenuation, it is impossible

possible he should approve of the Sentence; and on discharging the delicate and painful duty of remitting the Proceedings for careful and serious revision, he is actuated by the recollection, that the important law which the Court has now to administer, has been especially provided for the protection of his country against the most dangerous warfare that can be waged against its welfare, security, and happiness; and that the discipline of future armies, and the safety of future generations, must be strengthened or impaired by the ultimate decision of the Court."

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(Signed) "*J. Leith*, Judge Advocate General."

"Fort St. George, 23d Feb. 1810.

"N. B.—The above Letter ought to have formed a number in the Trial, but by some mistake was omitted by the Judge Advocate in the Copy transmitted for the Officer Commanding the Army.

(Signed) "*J. Leith*, Judge Advocate General."

Friday, the 27th day of February 1810.

THE General Court Martial, which assembled on the 1st day of November 1809, and continued by successive adjournments, is assembled this day, under orders from the Officer Commanding the Army in Chief; and Lieutenant Colonel Bell being called into Court, is informed that there are certain passages of his Defence which are considered by the Officer Commanding the Army as irrelevant to the course of his Defence, and disrespectful to the Authorities at the head of the Government. It is therefore, in the first instance, strongly recommended to him by the Court, to consent to their being expunged. Lieutenant Colonel Bell in reply, states, that it is unnecessary to read the passages alluded to, as he has been advised not to consent to a single passage of his Defence being struck out, the whole being absolutely necessary to his Defence.

The Court is cleared, and having taken into consideration the several passages in question, have determined, that however exceptionable they have always, and do think them, yet in justice to the Prisoner (as they did in the first instance) do not feel themselves warranted in expunging any part of his Defence from the face of their Proceedings.

The Court being opened, the above is read to the Prisoner, and the Court is again closed, when the Judge Advocate informs the Court, that the Officer Commanding the Army in Chief has directed a Revision of their Sentence.

REVISED SENTENCE:

"THE Court having reconsidered the Evidence brought before them, adhere to their former opinion."

(Signed) "*Henry Warde*, Major General, and President.
"*W. Ormsby*, Deputy Judge Advocate."

The Court adjourn.

"I perfectly agree with the Court, that the Prisoner, Lieutenant Colonel *John Bell*, of the Corps of Artillery, is guilty of the Crimes charged against him, and I do therefore confirm the Sentence."

(Signed) "*F. Gowdie*, Major General, commanding the Army in Chief."

"Head Quarters, 8th March 1810.

GENERAL ORDERS.

Head Quarters, Choultry Plain, 8th March 1810.

G. O. By Major General Gowdie.

The following parts of the confirmed Proceedings of a General Court Martial, assembled at Bangalore, by order of Major General Gowdie, commanding the Army in Chief, on the first day of November 1809, and of which Major General Warde is President, are published to the Army:

CHARGE:—"Lieutenant Colonel *John Bell* of the Madras Artillery, and late commanding the Fort and Garrison of Seringapatam, charged by the Officer Commanding the Army with having, in subversion of all good order and Military Discipline,

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cipline, and in violation of the Rules and Articles of War for the better government of the Company's Forces, joined in, and headed a most dangerous and alarming Mutiny and Sedition, which took place in the said Garrison, on and betwixt the 30th day of July last and 23d of August following; during which period, the Garrison fired on the troops of His Majesty and those of the Company, and their Ally the Rajah of Mysoor, and seized on the Public Treasury; and he Lieutenant Colonel *John Bell* declared his resolution not to deliver up the Fort and Garrison to the proper Authorities.

" By order of Major General Gowdie, commanding the Army.

(Signed) " *T. H. S. Conway*, Adjutant General of the Army."

" Fort St. George, October 9, 1809."

SENTENCE, as passed on the 9th of December 1809.

" THE Court are of opinion, that the Prisoner, Lieutenant Colonel *John Bell*, is guilty of the Charge preferred against him; which being in violation of the Articles of War, and subversive of good order and Military Discipline, they do sentence the said Lieutenant Colonel *John Bell* to be Cashiered; And do further declare him unworthy of ever serving the honourable Company in any Military capacity whatsoever."

(Signed) " *Henry Warde*, Major General, and President.
" *W. Ormsby*, Deputy Judge Advocate."

REVISED SENTENCE, as passed the 27th day of February 1810.

" THE Court having reconsidered the Evidence brought before them, adhere to their former opinion.

(Signed) " *Henry Warde*, Major General, and President.
" *W. Ormsby*, Deputy Judge Advocate."

" I perfectly agree with the Court, that the Prisoner, Lieutenant Colonel *John Bell*, of the corps of Artillery, is Guilty of the Crimes charged against him; and I do therefore confirm the Sentence."

(Signed) " *F. Gowdie*, Major General, commanding the Army in Chief."

Although the Officer Commanding the Army has confirmed the Sentence of the General Court Martial, which has adjudged " Lieutenant Colonel *John Bell* to be Cashiered, and declared him unworthy of ever serving the honourable Company in any Military capacity whatsoever;" he feels it a sacred duty he owes to his King, his Country, and the Service, to which he has now zealously devoted forty-three years of his life, to express his pointed disapprobation of the Punishment awarded the Prisoner; which, in his opinion, bears no proportion to the atrocity of the Crimes so clearly proved in evidence on the face of the Proceedings.

The Officer commanding Mysore will be pleased to order Mr. *John Bell* to proceed to the Presidency immediately, for the purpose of placing himself under the charge of the Town Major.

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PROCEEDINGS of a General Court Martial, held at Bangalore, on the Trial of Major *Joseph Storey*, of the 19th Regiment Native Infantry.—Published by Order of Government.—Madras, printed at the Gazette Press. 1810.

Monday, the 8th January 1810.

(2.) TRIAL of Major J. STOREY.

THE General Court Martial, which assembled at Bangalore on the 1st day of November in the year of our Lord 1809, by virtue of Warrant from Major General Gowdie, Commanding in Chief the Forces serving under the Presidency of Fort St. George; and continued by Adjournment; is re-assembled this day, agreeable to notice from the President:—Present,

Major General WARDE, President.

Members.	Lt. Col. Strange, 7th Regt. N. I.	Lt. Col. Bowness, 25th Regt. N. I.
	- - Lang, 11th Regt. N. I.	- - Adams, H. M. 25th L. D.
	- - Webber, 7th Regt. N. I.	- - Fletcher, 21st Regt. N. I.
	- - Ogg, 15th Regt. N. I.	- - Clarges, H. M. 69th Regt.
	- - M'Leod, H. M. 69th Regt.	Major M'Leod, H. M. 59th Regt.
	- - Wilson, 5th Regt. N. I.	- - Colebrooke, 8th Regt. N. I.
	- - Skinner, H. M. 56th Regt.	- - Carden, H. M. 25th Regt.
	- - Lockart, H. M. 30th Regt.	- - Grant, 24th Regt. N. I.

Members.

Major Maxwell is relieved by order of the Officer commanding the Army.

Lieutenant ORMSBY, Deputy Judge Advocate.

Major JOSEPH STOREY of the 19th Regiment Native Infantry, a Prisoner, being brought into Court, the names of the President and Members are first read over to him, and he is asked the following Question;

Judge Advocate:—Do you object to any of the Members composing the Court, by which you are about to be tried?—I object to Lieutenant Colonel Fletcher, for the following reason:—First, For having frequently expressed himself highly prejudiced against the body of officers composing the Garrison of Masulipatam, of which body he considered me the head. Secondly, For having taken an active and decided part against the proceedings of the officers at Masulipatam and the Northern Division; which conduct must necessarily bias the opinions he may have to give in this Court.

(Signed) *J. Storey*, Major.

Judge Advocate:—Major *Storey*; The Court have considered your objections, and are of opinion that they are not valid; but in compliance with a wish expressed by Lieutenant Colonel Fletcher, and in delicacy to his feelings, the Court permit him to retire.

Lieutenant Colonel Fletcher retires, and Lieutenant Colonel Adams of H. M. 25th L. D. and Major Carden of the same Regiment, who did not take their seats on the former Trial, are duly sworn agreeable to the Rules and Articles for the better government of the Honourable Company's forces; and the Court proceeds.

Major Joseph Storey of the 1st battalion 19th Regiment Native Infantry, and late senior officer in charge of that Corps, ordered under arrest by the Officer commanding the Army, charged with the following Crimes:

First.—For Mutiny and Sedition, in having placed his Commanding Officer Lieutenant Colonel Innes in arrest and confinement on the 25th day of June last.

Second.—For having Mutinously and Seditiously assumed the Command of the Garrison of Masulipatam, and for having issued an Order, on or about the second day of August last, for the Madras European Regiment, and the 1st battalion 19th Regiment Native Infantry, to hold themselves in readiness for field service; and which said Order was issued with a view to resist and oppose the existing Government of Fort St. George.

Third.—For having, in conjunction with Captain Andrews of the Madras European

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Regiment, affixed his name to a scandalous and infamous Paper, purporting to be an Address on behalf of the officers of the Garrison of Masulipatam, to the Right Honourable his Excellency the Governor General, under date the 7th of August last, and which Address was transmitted by the two above-named Officers, to Major General Pater, for the purpose of being forwarded to the Governor General.

By order of Major General Gowdie commanding the Army.

(Signed) *T. H. S. Conway*, Adjutant General of the Army.

Fort St. George, 12th October 1809.

Judge Advocate.—Yow say you Major *Storey*, are you Guilty, or Not Guilty?—I beg leave to submit a plea in bar of trial. It is read, and is as follows:

"I beg leave to offer, in bar of trial, that subsequent to the date of the Crimes now alleged against me, I have received a full Pardon from General Pater, on the part of the authority by which this Court is constituted, of which I have sufficient proofs.

(Signed) "*J. Storey*, Major."

Bangalore, 8th January 1810.

The Court is cleared. And the Court having taken the plea into consideration, direct the Prisoner to bring proofs to establish such Pardon.

Major General *Pater* is called into Court, and being duly sworn, is examined as follows:

Question by the Prisoner:—Did you, on or about the 16th of August last, grant a Pardon to the whole of the men and officers composing the Garrison of Masulipatam?—Yes, I certainly did.

Question by the Court:—Had you any authority whatever to grant a Pardon to the Prisoner?—None.

Major General Pater retires; and the Court being cleared, determine that the plea in bar offered by the Prisoner shall be over-ruled, and that he shall be called upon to plead to the Charges. The Court is opened, and the above read to the Prisoner; upon which he gives into the Court the following Protest:

"Although my plea in bar of trial has been over-ruled, I desire that my formal Protest may be entered on the face of the Proceedings, to enable me at a future period to have the matter legally investigated.

(Signed) "*J. Storey*, Major."

And the Prisoner further gives in a Paper containing as follows:

"IT is an act of indispensable justice towards myself, and consistent with the forms of law, that I should now state to the Court the absence of two material Evidences on my behalf, viz. General Malcolm and Captain David Forbes. The evidence of Captain Forbes is material to prove the exertions made by him and myself conjointly, to prevent the insertions of the Order in the garrison-book, which constitutes a part of the Second Charge. General Malcolm's evidence is material to prove that he received, direct from Government, a power to pardon in certain cases, when he was sent to take charge of the Garrison of Masulipatam, and that this authority, upon his quitting the District, was turned over by him to General Pater. It is also necessary to prove, that during the time he General Malcolm held the command, a Committee was regularly organized, and invested with authority, in the garrison; and that at the time he delivered over command of the garrison to me, this Committee did exist. Other points of less importance his evidence is material to prove, such as his having frequently remarked, that although I bore upon his arrival the name of Commanding Officer, and had the whole responsibility upon me, I appeared to have very little weight or influence in the garrison, and that this weight and influence was invariably exerted to preserve moderation and to prevent violence. The materiality of their evidence is stated, less from a wish to delay the proceedings than to adhere to the forms of public justice, and to fulfil a necessary duty to myself. The law requires the best evidence to be resorted to which the nature of the case admits.

"I have however, I trust, other sufficient evidence, but of a less positive nature, to prove the points to which General Malcolm could positively declare. I hold in my hand his written reply to the first communication made him, of a Committee being organized, and of the extent of its authority during the time he held the command. It is a private Note to another officer, but this officer is here ready to testify that the Note is in reply to this specific communication, that he regularly turned over

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the command of the garrison to me, subsequent to the formation and during the existence of the Committee. I have abundant proofs, as well as the actual authority exercised by the Committee, not only over the garrison I commanded, but over every other garrison and station in the Division; but unless the point will be admitted upon the evidence of this Note, 'that a Committee was formed during General Malcolm's command, and existed when he turned over the garrison to me,' I must beg for my Trial to be delayed until General Malcolm's more positive evidence on those points can be procured.

(Signed) "*J. Storey*, Major."

Judge Advocate:—As the Prisoner states that he has abundant proof, "that a "Committee was formed during General Malcolm's command, and existed when he "turned over the garrison to him;" I, in order that the Trial may not be protracted, do admit this to have been the case; and as he also says, "that he and Captain D. Forbes did conjointly use exertions to prevent the insertions in the orderly-book of the Order alluded to in the Second Charge;" I admit it to be the fact. The Questions being again put, if Guilty, or not Guilty, the Prisoner pleads, Not Guilty.

The Judge Advocate opens the Prosecution as follows:

Major General Warde, and Gentlemen of the Court Martial,

IN submitting the present case for your decision, I shall observe the course adopted on the former Trial, and in as few words as possible bring before you the grounds of the Charges against the Prisoner. From the documents before me, I have collected that in the month of May or June last, an application was made by Admiral Drury to the Government of Fort St. George for a party of Europeans to serve as marines on board His Majesty's ships of war. Two circumstances, I understand, led to this request: the actual want of men for that duty, and the impossibility of procuring them as usual from His Majesty's regiments, in consequence of a Letter from His Royal Highness the Duke of York, intimating his pleasure that men from His Majesty's service should not in future be furnished to serve occasionally on board the Fleet as marines.

In compliance with the above application, the Honourable the Governor in Council was pleased to direct, that a detachment from the Madras European Regiment should be furnished for this duty. And on the 24th of June, a frigate and sloop of war arrived at Masulipatam, for the purpose of taking on board those men. On the morning of the 25th, Lieutenant Colonel Innes commanding the regiment, and senior officer in the garrison, directed the details which had been warned prior to this, to be prepared to go on board at six P. M. It would appear, however, that the officers and men of the regiment had got an idea that it was intended to disband the regiment, put the officers on half-pay, and that the above order was the first step towards that measure; obedience therefore was positively refused. Although it will form no part of this enquiry, how such an idea originated, I think it necessary to say, that no such intention was ever entertained on the part of Government. The men, I understand, requested that a reference might be made to the Government upon the hardship and injustice of their being turned over to the marine service, and Lieutenant Colonel Innes was entreated by the officers to suspend the execution of the order for embarking the detachment. He however insisted, that the Orders of Government as issued by him, should be obeyed, and threatened to enforce them, by calling in a party of seamen and marines from the ships. The state of the garrison at this period, and the appearance of resistance exhibited by the men on parade, will be detailed in evidence; but no overt act had certainly taken place on either side, when Major Storey the prisoner, a junior officer by many years to Lieutenant Colonel Innes, his immediate inferior, placed in obedience under him, and belonging to another corps, came to Lieutenant Colonel Innes's quarter, and without preface or apology, without argument to shew the supposed danger of the measure Lieutenant Colonel Innes was pursuing, immediately ordered him to consider himself in arrest, and four European sentries were placed over his quarter.—Such, Gentlemen, are the outlines of the grounds on which the Prosecution on the First Charge will be founded. The several particulars which occurred will be fully elucidated by the evidence of Lieutenant Colonel Innes, as well as by the Prisoner's official report to the Adjutant General of the Army. The assumption of the command of the garrison on this day, and the manner in which it was made, will be proved by the orders issued, as well as by the evidence of Officers who were present during the trans-

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actions of that day. The Prisoner retained the command he had assumed till the arrival of Lieutenant Colonel Malcolm, who was appointed to the Madras European Regiment, in the room of Lieutenant Colonel Innes. By a reference to the orderly book, it will appear that Lieutenant Colonel Malcolm arrived at Masulipatam about the 4th of July, and departed from thence on or about the 23d of the same month, leaving the Prisoner invested with the authority of Officer commanding the garrison. I shall not advert to any thing that occurred during the period of Lieutenant Colonel Malcolm's command, or subsequent, till the publication of the Garrison Order alluded to in the Charge, as it would be foreign to the subject for your consideration; and it is scarcely necessary to point out to you that the substantiation of the latter part of the Second Charge will rest, in the first instance, on the order itself, and in the next, on the evidence of those who received and understood it to have been issued by the Prisoner, who was actually exercising command within the garrison, but was not the senior officer in the division, by whose authority a movement of Troops, if necessary, should have been directed. The views of the Prisoner in ordering these preparations for field service will, I have no doubt, be ascertained in the course of the present investigation. The proof of the Third Charge will naturally rest on the paper alluded to therein. It is characterized by language and sentiments the most repugnant to military feelings, and insulting to a Government whose orders the officers of the Madras Establishment were bound to receive with implicit respect and obedience. And if I do not misinterpret it, it will be found to contain animadversions on an act of the Government of Fort St. George, which was dictated by the imperious necessity arising out of the previous mutinous and insubordinate conduct of those persons who sanctioned this Address by their signature; and the adoption of which measure so materially tended to rescue this Presidency from a state bordering on military despotism. I shall abstain from all further comments upon this paper, which is termed in the Charge scandalous and infamous; and having generally adverted to the points for your consideration, shall proceed to the examination of the evidences on the part of the Crown.

Lieutenant Colonel INNES, a Witness on the part of the Prosecution, duly sworn.

The Charge is read.

Judge Advocate:—Were you in command of the Fort and Garrison of Masulipatam, on and for some time previous to the 25th of June last?—From the 7th of May till the 25th of June I commanded the Fort and Garrison of Masulipatam; and had the temporary charge of the northern division of the Army.

Of what troops was the garrison composed?—It consisted of the Madras European Regiment, and 1st battalion 19th Regiment; there was a company of Artillery, and a detachment of the 59th Regiment.

Was the prisoner Major Storey your second in command in the garrison, at the period stated in the First Charge?—He was.

Did you on the 25th of June last, direct any detachment or details of the Madras European Regiment to be prepared to embark on one of His Majesty's ships of war, for the purpose of serving as marines?—Yes; they had been prepared for some time, and on receiving Captain Foote's Letter, I sent for the Adjutant and directed him to have them ready to embark at 6 o'clock in the evening.

Under what authority did you issue that order?—I received the orders from the Quartermaster General of the Army and his deputy.

Was the order you issued obeyed?—No; it was so far obeyed, as to have every thing prepared, but they did not embark.

State what occurred to prevent its being carried into execution?—Upon the arrival of the Piedmontaise frigate and Samarang sloop of war at Masulipatam on the 24th of June last, I sent off a Letter to Captain Foote, informing him that the three detachments of the Madras European Regiment ordered to serve as marines, were ready to embark. About one o'clock next day I received his answer from his Purser, and immediately sent for the Adjutant of the regiment, and shewed it to him. He requested my permission to take it over to the mess-room, which I readily acceded to. I then directed him to have the three detachments ready at 6 o'clock, and to send the officers going on duty to receive my final instructions. At three o'clock Major Storey entered my house, and requested to speak with me in the back verandah; where he informed me that the Madras European Regiment and 1st battalion 19th Regiment were under arms in their respective barracks, and refused to be dismissed but by a proper authority. He then told me that he was called upon by the officers of the garrison to place me under arrest, and to assume the command. I told Major Storey that I never would acknowledge

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acknowledge his illegal and usurped authority, though he might place me in close confinement, for which he would have to answer hereafter. I then told Major Storey, that instead of joining with the other officers in the garrison in the mutiny they occasioned, it was his imperious duty to assist me in suppressing it; Major Storey smiled at these observations, and had the audacity to boast, that he had the most positive assurance of firm support from every part of the army on the coast. We then returned to the hall, but previous to taking his leave he upbraided me with having given incorrect information to head quarters and Government, upon which they acted, by dispersing the Madras European Regiment, as a punishment, and removing Lieutenant Maitland from his Quartermastership. Shortly after, my servants informed me that four sentries from the Madras European Regiment were posted over my quarters. I afterwards found, with strict orders not to admit any Gentleman to visit me without Major Storey's permission, or to permit any letters to pass out or in. All my letters coming that day from the Post Office by my peon, were taken from him. Lieutenant Cecil, who commanded the main guard on the 25th of June, was directed to give over his charge to another officer, which he objected to, having no authority from me to do so. He came to my quarters twice, and represented his situation; the last time, being under arrest, I authorized him to do so, any further resistance being unnecessary. On the 4th July, Brigadier General Malcolm arrived from Madras to assume the command of the garrison; and upon doing so, he sent the Fort Adjutant to take me out of arrest, and sent the European sentries to their barracks.

Is the book I now shew you the garrison orderly book of Masulipatam?—It is.

Judge Advocate:—I now beg leave to read the Order published to the garrison by the Prisoner on the 23d of June.

Masulipatam, Sunday, June 23d, 1809.

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"In consequence of the state in which Major Storey found the garrison on his coming into the fort, and having ascertained the cause, has found it necessary to place Lieutenant Colonel Innes in arrest, and assume the command of the garrison accordingly. All reports, &c. &c. to be made to Major Storey till further orders."

Question from the Prisoner:—How could Mr. Cecil come to your house, when sentries were posted to prevent any person from visiting you?—Mr. Cecil came to my house twice before Major Storey left it.

The Witness retires; and it being near 3 o'clock, the Court adjourns till 10 o'clock, to-morrow morning.

Tuesday, the 9th January 1810.

THE Court met pursuant to adjournment.

Members all present, as yesterday.

Lieutenant Colonel *Innes* is called into Court, and begs leave to amend his Answer to the Question put from the Prisoner, by saying, that the first time Mr. Cecil came to his quarters, he was not under arrest; but the second time, the Witness believes Mr. Cecil got in by forcing the sentries.

Question from the Prisoner:—Have you never upon your road here from Madras, or since your arrival here, declared, that you knew nothing at all against me; but that every thing you would have to say, would be in my favour, or words to that effect?—No.

Did you not make this declaration at Arcot in presence of Captain Jackson and Lieutenant Spinks, and at Vellore in presence of Captain Marriott and Doctor Pritchard?—No; all I said was, that I had mentioned Major Storey's name in the most favourable terms to Lord Minto; and that previous to his joining in the mutiny, I considered his conduct far more moderate than the other officers of his Regiment, and those of the Madras European Regiment, who had acted in opposition to the Government.

Who were present at the time I held the conversation with you, upon placing you in arrest?—There were a variety of gentlemen in the hall, but I do not recollect any person in the varandah; many might have been near enough to hear the conversation that passed between me and Major Storey.

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Will you declare that I addressed no exhortations to you concerning the dangers which threatened the garrison; and do you not know that the measure of placing you in arrest, was indispensably necessary to avert those dangers?—I do not remember any exhortations; nor do I conceive that it was necessary to place me under arrest to preserve peace.

Will you again declare that you admonished me to join you, and not the officers, and that I boasted with audacity that I had assurances of support from every part of the Coast Army; or that I upbraided you with having made incorrect reports to head-quarters and Government, and occasioned the removal of the Quartermaster of the Madras European Regiment; and, who were present at that conversation?—I did admonish you; and you did boast with audacity that you had assurances of support; after we returned to the hall, you did upbraid me as I before stated, and many people were present.

You have said, that Lieut. Cecil was relieved from the main guard on the 25th; do you not know that he had himself retired from the guard to dine with Mr. Stuart the shopkeeper?—I know nothing at all about that.

The Witness retires.

Lieutenant CECIL of the Madras European Regiment, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—Were you in the Fort of Masulipatam on the 25th day of June last?—I was.

Who was the Commanding Officer of the garrison, on and for some time previous to that day?—Lieutenant Colonel Innes.

State what you know relative to Lieutenant Colonel Innes's authority having been superseded on that day.—I cannot decidedly speak as to the date, but I was present at the time when Major Storey put Lieut. Colonel Innes, the then Commandant of the fort, in arrest. I was in the verandah of Lieut. Colonel Innes's house. I cannot recollect the exact conversation which took place, but I remember, when Major Storey placed Colonel Innes in arrest, Colonel Innes would not acknowledge the legality of it. I also remember, that Major Storey said, he was called on by the officers of the garrisons to place Colonel Innes in arrest; and he appeared to me to do it with reluctance.

Were you Officer of the main guard on that day?—I was.

Were you relieved from that duty on that day, and if so, by whose authority?—About 2 o'clock Lieut. Charles Forbes came down to me, and requested me to give up the main guard to him. I expressed myself surprised at a measure so irregular, and begged him to explain to me his reasons for it. He first told me that Captain Kelly, and afterwards that Captain Andrews, had sent him to relieve me. I would not give it up to him. I told Mr. Forbes, that I should immediately apply to Colonel Innes, and mention to him what had passed. Accordingly I did so; and upon receiving instructions from Colonel Innes not to give up the main guard, I wrote to Mr. Forbes accordingly, and meant to abide by those instructions. I was applied to afterwards by the Fort Adjutant to give up the guard; to whom I shewed a copy of the Letter which I sent to Lieut. Forbes. I however told the Fort Adjutant, that if he could produce me a Garrison Order, and shew it to me in the book, I certainly would consent to give it up. The Fort Adjutant told me it was in Garrison Orders; and even told his Orderly to get the garrison orderly book and shew it to me. Upon which I went off to Colonel Innes, telling him the Fort Adjutant, that I should see the Commandant once more before I gave it up. I happened to have my report made out, and took it with me to Colonel Innes. When I came to his quarters, I found European sentries posted at his door; upon my demanding entrance, as officer of the main guard, coming to give my report to the Commandant of the garrison, I met with resistance from the sentries; in consequence of which I drew my sword, and forced my way through; upon coming to Colonel Innes, he told me that he could not help himself, that he was in close arrest. And after some other little conversation, he told me, I might as well give the report to Major Storey, as he was commanding the garrison. By which I understood he sanctioned my giving up the main guard; accordingly I did so. I delivered my report to Major Storey.

To your knowledge, was any Order issued by Major Storey assuming the command of the garrison, on the day he placed Lieutenant Colonel Innes in arrest?—Yes.

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Was the Prisoner Major Storey, after the order you allude to was issued, obeyed, and considered as Commanding Officer of the garrison?—In every respect.

Question from the Court :—Did any Committee of Officers exist in the garrison at that time?—I cannot reply that there was at that time, but there were perpetual meetings, prior and subsequent.

Were the Garrison Orders given out by the Committee, or by Major Storey?—I never remember any Garrison Orders issued by a Committee.

The Witness retires.

Lieutenant LLOYD, of His Majesty's 59th Regiment, a Witness in support of the Prosecution, duly sworn.

The first Charge is read.

Judge Advocate :—Were you present in the Fort of Masulipatam, on the 25th of June last?—Yes.

State to the Court what you know relative to the Charge which has been read to you.—On the 25th of June last, I was ordered by Lieut. Butler, who commanded the detachment of His Majesty's 59th Regiment, to wait on Lieut. Col. Innes, to procure his signature to a paper relative to dry batta being issued to the detachment on the King's birth day. It was reported in the garrison, that no person was allowed to see Colonel Innes without Major Storey's permission. I waited on Major Storey, and told him the orders I had received from Lieut. Butler. He said, that any thing of that sort that was to be done, he was to do it, as he then commanded the garrison. I told him, that Lieut. Butler wished to have Col. Innes signature to it, as he commanded the garrison on the King's birth day, when batta was issued. He said, that that did not signify; I then went to Lieutenant Butler, and reported to him.

The Witness retires.

Judge Advocate :—I now submit to the Court Major Storey's Report to the Adjutant General of the Army, of the measures he adopted on the 25th of June last.

It is read, admitted, and acknowledged by the Prisoner, and is as follows:

To the Adjutant General of the Army, Fort St. George.

"Sir,

"I HAVE the honour to inform you, that on the afternoon of yesterday I received a message from the officers of the Garrison of Masulipatam, informing me, that a ferment of a most serious nature existed among the troops. I was at that time in the Cantonments, but as soon after I had received this information as possible, I proceeded to the fort, and on my arrival found that, in consequence of an opinion that prevailed among the officers of the garrison, that it was the intention of Government to disperse, and finally disband the Madras European Regiment, they had earnestly entreated Lieut. Colonel Innes to detain the three detachments ordered to embark as Marines, until a representation on the subject had been submitted to the Commander in Chief, for the decision of the Governor in Council. Colonel Innes positively refused to comply with their request, stated his determination to carry the orders regarding the three detachments into execution by force, and for this purpose threatened to get a body of men landed from His Majesty's ships then in the roads, and detachment of Artillery.

"When I reached the general parade of the garrison, I was informed that the M. E. Regiment was paraded in the squares of their barracks, that the Native Troops were also drawn up in their respective barracks, and every thing seemed to be in a state of preparation to resist the execution of the Orders alluded to. I immediately waited upon Colonel Innes, and stated to him the situation of the troops in garrison; he still persisted in his former determination; and as I had every reason to believe that were he permitted to carry it into effect, it would be attended with the most serious and dangerous consequences, to prevent which I deemed it my imperious duty to place him under restraint, and assume the command of the garrison. I then ordered the senior officers present to dismiss the men of the different corps, which I am happy to say was done with the greatest regularity, and tranquillity immediately restored. In a short time afterwards it was intimated to me, that the Artillery stationed at the Cantonment, were also determined to support the troops in the fort. At the request of the officers of the garrison, I herewith transmit their reasons for wishing to detain the three detachments of the M. E. Regiment."

(Signed) "*J. Storey*, Major, in charge of Masulipatam."

"Masulipatam, 26th June 1809."

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Judge Advocate:—I also submit a Paper which accompanied the above Letter. It is read, and admitted by the Prisoner, and is as follows:

"THE Deputations appointed by the officers composing the Garrison of Masulipatam, have the honour to present Lieutenant Colonel Innes the annexed explanation of the resolutions with which they yesterday evening made him acquainted. In order to enter upon the cause of the proceedings which were yesterday adopted, it will be necessary to revert to the measures of Government with regard to Lieutenants Forbes and Maitland, who upon the representation of Lieutenant Colonel Innes, without any trial or investigation into their conduct, as specified to have been observed on the 7th of May, at the mess-room of the Madras European Regiment, were immediately punished, the one by being deprived of the appointment of Quartermaster to the regiment, and the other by being ordered to proceed and take charge of Condapilly (and relieve the officer then commanding it, with a party of Sepoys from his own corps), with positive orders not to quit it till necessitated so to do by ill health.

"The Letter which contained the removal of Lieutenant Maitland from his appointment, and the appointment of Lieutenant Forbes to the solitary command of Condapilly, particularly specifies that these steps were taken in order to "mark by a suitable example, the authors of the exceptionable conduct that has come to his (the Commander in Chief's) notice." The same Letter directs Lieutenant Colonel Innes to "express to the officers of the Madras European Regiment, the Officer Commanding the Army's highest disapprobation of such conduct, and inform them, that a repetition of such irregularity will involve the whole corps in the severest penalty to which such insubordinate proceedings are liable." This Letter Lieutenant Colonel Innes thought proper to insert in the regimental orderly book of his corps, and consequently obtained publicity, not only among the officers, but the non-commissioned and privates of the regiment. Can it then be wondered at, that the serious alarm which in the first instance pervaded the different ranks of the Madras European Regiment, should have extended to the other corps, not only in the garrison, but in the District and Division?

"Nor was the substance contained in the above reprimand the only source of danger to be apprehended. Lieutenant Colonel Innes informed a Deputation of five officers, who waited upon him with a request that they might be furnished with a Copy of the information which had been sent to Government, relative to the conduct of the officers of the Madras European Regiment, at their mess-room on the night of the 7th May, that it was in contemplation with Government, in consequence of the report received of the irregular and insubordinate behaviour of the regiment, to DISBAND IT, *and place the officers on half-pay!* As British subjects we have a right, and do demand, "whether the Madras Government have the power to inflict punishments of so severe a nature on their officers and men, on the mere report of an individual, without giving them a fair trial, as enacted by the Laws of our Country.

"While Lieutenants Maitland and Forbes were suffering under the imputation of insubordinate and highly irregular conduct, a party was ordered from the European Regiment to prepare to go on board one of His Majesty's vessels and act as marines, and Lieutenant Maitland expressly pitched upon to command them, at the same time Lieutenant Forbes was ordered to hold himself in readiness to proceed to the Presidency, and thence to Penang, in order to relieve Captain Philips. Lieutenant Forbes, who was accused of being the author and supporter of that "highly indecorous conduct, contrary to every principle of military subordination, which was observed at the mess-room of the Madras European Regiment," being fully sensible of his innocence, requested an investigation into his conduct by a Court Martial, but was denied that indulgence, on the plea of its being "inadmissible," notwithstanding his character as a soldier had been so materially injured, and publicly made known to the regiment at large.

"The whole of the officers of the Madras European Regiment had likewise the honour of addressing the Adjutant General of the Army on the 27th May last, begging leave to assure him, for the information of Major General Gowdie, that the account he had received of the conduct of those officers, who were present at the mess on the evening of the 7th, was erroneous, and requested to be furnished with a Copy of the information which had been received, so prejudicial to the character of the officers of the Madras European Regiment, that they might thereby be enabled to convince the Officer Commanding the Army in Chief, that their conduct did by no means merit the severe censure with which it had been marked; but even this indis-

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pensable request, so absolutely necessary to clear the characters of the numerous body of officers composing the regiment from the stigma they had received, has not been complied with.

"These unmerited hardships, and deprivation of that privilege of British subjects, which ordains their not being condemned without a hearing, together with the information received from Lieutenant Colonel Innes, that Government had it in contemplation to disband the Madras European Regiment, followed up by three detachments therefrom being ordered to be held in readiness to proceed on board His Majesty's vessels, to act as marines, appearing to us (and certainly with great reason) as the first step towards disuniting the corps, previous to the measures above alluded to; have created in our minds the most serious alarm, lest this system of punishment, on the bare and false reports of an individual, should extend itself to other parts of the Madras Army; and have determined us to resist such dangerous and unprecedented acts, until a fair investigation of the conduct of the officers of the Madras European Regiment shall take place before a Military Tribunal.

"We have not here noticed the former acts of Government of a similar nature, in suspending some, and removing others of our most valuable officers from situations of trust and confidence without any trial whatsoever; but we cannot help expressing our fears, lest this system of terror should exceed the bounds of forbearance, and ultimately produce consequences of the most serious nature.

"At the same time, we beg to assure the Governor in Council and the Commander in Chief, that we continue, as heretofore, the supporters of the British interest in India, and the faithful and loyal subjects of our King and Country.

(Signed) "H. Kelly, Capt. 1st Bat. 19th Reg. N. I.—H. Harington, Capt. 1st Bat. 19th Reg.—G. L. Nixon, Lieut. Madras Eur. Reg.—Charles Forbes, Lieut. Madras Eur. Reg.—J. S. Spankie, Lieut. Madras Eur. Reg.

For the Garrison of Masulipatam."

"Masulipatam, 25th June 1809."

Lieutenant *Cecil* of the Madras European Regiment, called into Court, and examined on his former oath.

Judge Advocate:—Will you describe the state of the Garrison of Masulipatam on the day Lieutenant Colonel Innes was placed in arrest?—I saw a great many people running about, as well natives as soldiers and officers. I saw also the soldiers convened in the barracks, for the sake of their being addressed by their officers; and as I passed along, I heard an officer exhorting the men to support their officers to resist the orders of Colonel Innes, by refusing to go on board ship.

How long did Major Storey retain the command of the garrison?—Exactly one week, till the arrival of Colonel Malcolm.

Will you be so good as to say whether the order I now show you is the one issued on Brigadier General Malcolm's assuming the command?—I perfectly remember that.

It is read, and is as follows:

Masulipatam, Tuesday, 4th July 1809.

"Brigadier General Malcolm having arrived in the Garrison of Masulipatam, all reports, &c. &c. &c. are to be made to him accordingly."

Judge Advocate:—How long did Brigadier General Malcolm retain the command of the garrison?—He was there I believe about a fortnight.

On Brigadier General Malcolm's departure for Madras, was any Order issued, investing the Prisoner with the command of the garrison?—Yes.

Is this the Order?—I very well recollect it.

It is read and is as follows:

Masulipatam, Saturday, 22d July 1809.

G. A. O.

"A salute of 13 guns to be fired to-morrow morning at sun-rise, for Brigadier General Malcolm's departure from the Presidency.

"During the absence of Lieutenant Colonel Malcolm, all reports and returns to be made to Major Storey, the next senior officer of the garrison."

Judge Advocate:—To your knowledge, was any Order issued to the garrison on or about the 2d of August, directing the Madras European Regiment and 1st battalion 19th Regiment to prepare for field service?—Yes.

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Is this the Order?—Yes.
It is read, and is as follows:

Masulipatam, Thursday, 3d August 1809.

"G. O. The detachment of artillery, the Madras European Regiment, and 1st battalion 19th Regiment, N. I. will hold themselves in readiness immediately for field service.

"The necessary indents for camp equipage, &c. &c. &c. to be sent into the acting Commissary of Stores with as little delay as possible."

Judge Advocate:—Who commanded in the garrison, when this Order was issued?—Major Storey.

Did you observe whether any preparations were made for field service, in consequence of the above Order; if so, state what they were?—Yes; I saw camp equipage taken out of the fort, and pitched four or five miles off; I also saw stores. The Conocopoly of the arsenal stores shewed me the Chits to the officer of the main guard for passing out stores, which he shewed me in the arsenal yard.—There was an officer of the Madras European Regiment placed in charge of the Artillery, and they were brought into the Fort.

Have you any reason to know with what views this Order was issued?—I know that on consulting Major General Pater, whether I should join the standard, he advised me to stick by my Government; that these Orders were issued in defiance of him; and that he was in a most embarrassed state. The Witness retires.

Major General *Pater* is called into Court, and examined on his former Oath.

The Charges are read.

Judge Advocate:—You are, I believe, in command of the northern division of the Army?—Yes.

Will you please to state about what period you assumed the command?—I think the 20th July.

Were the head-quarters of your division, from the period you assumed the command till after the period stated in the Charges, at Masulipatam?—They were.

Who was in command of the Garrison of Masulipatam in the beginning of the month of August last?—The command of the garrison was delivered over to Major Storey, by Brigadier General Malcolm.

Did you, on or about the 2d of August, direct the Prisoner to give any orders relative to the march from Masulipatam of the troops composing that garrison, or for preparations to be made for field service?—No.

Do you know whether any orders to this effect were given out in the garrison; and had you any communication with the Prisoner on the subject?—It came to my knowledge privately, that such Orders were in the orderly book, and a copy of them was furnished me by private means; on which I sent to Major Storey, as senior officer of the troops at Masulipatam, a few lines of exhortation on the subject, to use his influence to prevent the troops from marching contrary to legal authority. As the troops did not march, I conceived it was owing to the exhortation, not being acquainted with any other cause.

Do you know with what views this Order was issued?—I cannot say further than conjecture.

Question from the Prisoner:—Did Lieutenant Cecil call upon you, and ask your advice relative to what line of conduct he should adopt in consequence of the Order for the troops to march?—I do not recollect that he called at that period; I think he called on me before that time. He called on me before that, and the advice I gave him was, to adhere to Government by all means.

The Witness retires.

Judge Advocate:—I now submit to the Court the Papers on which the Third Charge is founded.

They were read, admitted, and acknowledged by the Prisoner.

"My Lord, Masulipatam, 7th August 1809.

"THE accompanying Letter having been submitted to Major General Pater for transmission to your Lordship, and the General declining to do so, we, at the solicitations

citations of our brother officers, most humbly and respectfully transmit herewith the accompanying Letter; and with due respect subscribe ourselves,

"My Lord,

"Your Lordships most obedient and faithful servants,

(Signed) "*J. Storey*, Major, *Augt. Andrews*, Capt.

On behalf of the Officers of the Masulipatam Garrison."

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To the Right Honourable Lord Minto, Governor General, &c. &c. &c.

"My Lord,

"WE, the Officers of the Garrison of Masulipatam, alluded to in your Order of the 20th ult. take the earliest opportunity of professing solemnly to your Lordship our unlimited loyalty to our King, our attachment to our Country, and our reverence for its Laws, and our perfect content and happiness under the Government of the Hon. Company, as heretofore administered; but at the same time to inform your Lordship, that the violent, oppressive, and treacherous conduct of the Government of Fort St. George towards our brother officers, at and in the neighbourhood of Madras, has driven us, with the utmost pain and reluctance, to adopt measures for our own security, against the further efforts of such conduct towards ourselves.

"We are convinced, that the attempts to seduce the attachment of the Native Troops from their European officers, is pregnant with the utmost danger to the territorial possessions of our Country upon the Peninsula, and that success in that attempt would ultimately lead to the destruction of every European, of whatever country, residing within them. We conceive, that the adoption of such a measure to reduce us to submission, at a time when we professed our willingness and readiness to return to it, upon the Government conceding to us the redress absolutely required to relieve the character of the Army from the state of degradation to which it had been plunged by the Orders of the 1st of May, was a species of treason against the security and interest of the British nation in India, and an act of the greatest treachery towards the officers of this Army. It has destroyed all confidence betwixt us and a Government that could resort to such measures; and we conceive ourselves warranted by them, to adopt on our part such measures of precaution as are become necessary to secure ourselves against the further efforts of such a line of conduct; and this is the only object we have in view. We solemnly declare to your Lordship, instead of resorting to the measures adopted upon the 26th ultimo, had the Government of Madras published to the Army the consoling and conciliatory language contained in your Lordship's Orders of the 20th ultimo, we have every reason to believe that the Coast Army would have been at this hour in a state of order and tranquillity, instead of a state of anarchy bordering on insurrection.

"Even at this hour, when our minds are agitated by a tempest of vindictive passions, occasioned by the late treatment of our brother officers at Madras, we again profess our readiness to return to order and regularity, as soon as the sentiments contained in your Lordship's Order of the 20th ultimo, is adopted by the Government at Madras, and a Pledge is given in public Orders, of a resolution to act up to the spirit of them. Your Lordship will then find us instantly ready to meet every wish, which is stated to be the object of your journey to Madras.

(Signed) "*Joseph Storey*, Major.
Aug. Andrews, Captain."

Judge Advocate:—I here rest the Prosecution. And the Prisoner being put upon his Defence, states that two of his principal Evidences, Lieutenant Stewart and Mr. Surgeon Anderson, who have been summoned, have not yet arrived. The Court therefore adjourns until Monday next, the 15th day of January, at 10 o'clock.

Monday, the 15th of January 1810.

THE Court met pursuant to adjournment.

Members all present.

DEFENCE.

Major General Warde, and Gentlemen,

IT is with unfeigned satisfaction that I reply to the Charges which have been attempted to be proved against me. My confidence is unmixed with presumption: it is the confidence of an innocent man; strengthened and confirmed by an assurance,

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that in your hands his innocence will be safe. Before such a Court, it would be unbecoming to deprecate those partialities or prejudices by which in heated times a man is sometimes condemned before he is heard. I ask only that which you have forerun me in granting, a patient audience; and that kind and liberal attention to the topics of my vindication, which from a Court so constituted it is almost superfluous to solicit.

Before I proceed, however, to those reasonings and statements which are requisite to my Defence, I cannot pass over the singular circumstances under which I am brought hither for trial, and which are as novel in the history of criminal jurisprudence as they are repugnant to enlightened and humane policy! To what can I advert but to the Amnesty which, in the strictest sense of the word, has been solemnly given to the supposed offences, for which, in direct violation of that Amnesty, I now stand on my trial? That Amnesty was given by an officer invested with the authority, and pledging the faith of the Government he represented. It was solemnly granted by Major General Pater on the 16th of August last, to all the Officers and Men at Masulipatam. It was a comprehensive Pardon, which a general officer entrusted with the peace and safety of a British garrison in a season of great danger, thought expedient, as a measure calculated to heal the inquietude, and dissipate the alarm of the troops under his command. Proceeding from the discretion of an unauthorized individual, it would have been rejected as nugatory and unavailing. It was accepted on the faith reposed in the competency of an officer high in the confidence of his Government, to pledge that Government to an act of political necessity; and in the full assurance, that the Government would not disown the official acts of their public servants.

It is a narrow and unfair objection, that Major General Pater had no specific authority. If he exceeded the powers entrusted to him, it might be just ground of animadversion on him; but the act itself ought to be held sacred and inviolable: it is the act of a public minister of Government; you cannot annul or reject it, without breaking down those principles of faith and justice, on which all policy is founded. Were that faith which keeps the world together broken at convenience and suspended at pleasure, confusion and perplexity would be introduced into the whole system of social or civil life; every political proceeding would be interrupted by fear, distrust, and suspicion. *No Government speaking through its public organs, ought to be heard with respect, which can relax or set aside its public faith for the purpose of the moment.*

Every moral and political truth is permanent: it is not a thing of to-day, which may be abandoned to-morrow: it is an immutable and steady law, deriving its force from its constancy and its uniformity.

The question is not whether Major General Pater assumed a power not confided to him, or exceeded that with which he was invested; it is this, Whether credit was not given to the act of General Pater as the implied act of the Government? If you ask, Why was credit given to General Pater, the answer is obvious; Of every Government, the powers must in a great degree be exercised by its delegated organs. General Pater stood in a situation of high trust: proportioned to the trust is the responsibility; and on that responsibility he found it necessary, in a season of great commotion, to exercise his discretion, in pledging the faith of his Superiors to an act of wisdom and expediency. It is trifling with common sense to confine his duty to literal and precise instructions. An officer under circumstances of difficulty or danger, must act from the *spirit* of his duty: *if his acts are disowned by Government, it is not his own authority only which is brought into contempt, nor his own faith into suspicion, but the authority and good faith of those by whom he is deputed.*

This reasoning derives even now no slight importance, and hereafter it will derive a greater importance, from the Amnesty proclaimed to the Army by Lord Minto. The Governor General has no power of pardon incident to his office; pardon is the royal prerogative. No portion of that prerogative can be exercised by a Governor General of India; all that Lord Minto could do was, to pledge his Superiors to the act of grace, which in the exercise of a sound discretion he thought it advisable to publish. It is only a pledge that no Prosecution will be hereafter instituted against those who are at present exempted from it. That Amnesty rests on the implied faith, that the act of Lord Minto will be ratified; even if it were possible that its policy could be called into question, the rules of public faith will be too highly revered to annul or revoke.

It is necessary, however, that I should be hunted down as a victim. For what other reason could the sacred laws of public policy be superseded, I cannot conjecture? Happily, however, the Prosecution has brought forward no evidence deserving

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of credit, but that which directly tends to my exculpation. I will venture to assert, that to every unprejudiced mind, and every unclouded understanding, it will establish in my behalf something more than the negative merit of innocence. *It will shew that I averted from the garrison of Masulipatam a dreadful peril, into which folly, obstinacy, and temerity, had thrown it*; that the measure I adopted was forced on me by circumstances, which would admit no other line of conduct, that it was strictly within the law of military duty; and that Colonel Innis's arrest has saved to the British Empire the disgrace and calamity of civil bloodshed.

In order that the whole of my Defence to the first Charge may appear in all its relations, and with all its circumstances, and that the subject may be fully understood, not only by the Court, but by those who may hereafter refer to these proceedings; I shall ascend to a somewhat earlier period than the date of the Charges. The arrest of a superior officer, considered without reference to antecedent circumstances, is in itself an offence for which a military man is justly held responsible. Circumstances give to acts their character, and their colour. You cannot administer that justice, which you are sworn to administer, unless you are made acquainted with the state of the garrison at the time when that extremity was forced on me; and you will be equally perplexed in framing an adequate idea of the state of it, unless you trace it to those causes out of which it has gradually proceeded. This statement will be supported by witnesses of unimpeached credit. The only impediment I shall have to encounter, will arise from that incredulity of strange and unheard-of occurrences, which is natural to those who, being educated and disciplined to British feelings, for the first time, become acquainted with facts wholly new and foreign to the principles which have hitherto prevailed in the Civil and Military administrations of Great Britain.

I need not remind the Court of the agitations and alarm, which the memorable Order of the 1st of May diffused through the Company's Army. It is sufficient to remark, that the irritations it had produced, had run through every part of it. Those who know the violence of public feelings, and the resentments with which real or supposed injuries to a public body are felt and communicated, will easily appreciate the difficulties I had to contend with. I was at that time stationed with a part of my battalion at Ellore: in this station I tried by every means in my power to controul, by example and admonition, the spirit of hatred against Sir George Barlow and his measures, with which my own corps was infected. I deprecated in the most earnest manner the adoption of every act of opposition to the Government. I condemned all animadversions on the measures which had excited so general an uneasiness. I strenuously discountenanced every remonstrance which was expressed in a tone or phrase, in the slightest degree inconsistent with the strictest laws of military obedience. I laboured to enforce, by every argument I could use, the doctrine of tolerating the evil, till it was redressed by the legitimate authority.

But, Gentlemen, far be it from me to dissemble, that I was at any time unmoved by the injuries inflicted on the service. I should not deserve belief, were I to profess myself uninfluenced by those feelings; I should as little merit the esteem of any honourable mind, had I sat aloof, in a sullen insensibility to the sufferings of those with whom mutual habits, mutual service, and mutual feelings had connected me. But I was confident that an appeal to the controlling authorities in England would result in the entire redress of the grievances, and an awful retribution on the authors of the mischief.

It was deemed expedient by the local Government, from the progress the dissatifactions had made at Masulipatam, to order the corps I commanded into the that garrison, to relieve a battalion which had been removed. It is not necessary to observe, that if my conduct, or that of those under my command, had been characterized by any violence or disaffection, such a measure would not have been deemed advisable. Previous to my arrival Lieutenant Colonel Innes had assumed the command of the garrison and that of the Madras European regiment.

I found that much irritation existed in the garrison, which the conduct of Lieutenant Colonel Innes had excited in the Madras European Regiment, *and that irritation was naturally augmented by the common sense of grievance which prevailed through the whole Army*. With the peculiar grievances of that Regiment, or the conduct of Lieutenant Colonel Innes, I have no other concern, but in as much as they will be found to have produced, by the inevitable conjunction of cause and effect, the state of things in the garrison, which constituted the necessity of putting Colonel Innes in arrest. These are circumstances, therefore, strictly interwoven with my Defence. It would be a gross dereliction of the duty I owe myself, if I were not to press on your most anxious attention, the transactions which have

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shaken the tranquillity of the garrison, and led, by a natural series, to the measure which I was bound to resort to, by every duty binding amongst men, to prevent consequences at which every man must shudder. I therefore, without hazard of contradiction, state, as the fundamental position of my defence, that the agitation had begun before my arrival in the garrison, which by a natural progress terminated in the crisis, at which I was called on to act for its preservation; and that those agitations, and the subsequent share which that garrison had in the general proceedings of the Army, are strictly attributable to the ill-advised and rash course of proceeding followed by Colonel Innes. It is important also, because the Judge Advocate has stated the alarming suspicion, which had gone forth in the garrison, and had increased the ferment in it, of its being the intention of Government to disband the Madras European Regiment, was without foundation. I shall shew, that every act of Colonel Innes gave weight and credibility to this suspicion, though the Judge Advocate says, it forms no part of this enquiry. But it cannot have escaped your attention, that it is a material branch of it. If the dangers of bloodshed hung over the garrison, it is necessary to substantiate the fact, by tracing it to its cause. If I shew, that the alarm was the cause of it, and the measures that had been adopted infallibly generated that alarm, I am not stating a case of imaginary danger, nor an ideal alarm; but a case in which a whole garrison had been goaded into despair, by repeated threats of disgraceful and unmerited punishment, denounced day after day against them.

On the 7th of May, a toast, "The Friends of the Madras Army," had been given at the mess of the Madras European Regiment; which had given offence to Colonel Innes, who was dining there by invitation. Lieutenants Forbes and Maitland were the next day called on to apologize for observations which Colonel Innes had imagined had fallen from them the preceding evening. Conscious of their innocence, they refused the apology; and as no specific observations were pointed out by Colonel Innes, it was scarcely possible for them to know what was the subject of the required apology. Several days afterwards, several other officers of the Regiment having remonstrated with Colonel Innes, concerning a report, which that officer was supposed to have made, regarding the conduct of the Madras European Regiment, they were assured by Colonel Innes, that no report had been made upon the subject. On this assurance they relied; but, to their great astonishment, on the 22d of May, the following Order appeared in the Regimental Orders of the day. This Order shall be produced in evidence. It will exercise, however, the credulity of those minds, which have been trained and disciplined to the honourable and ingenuous principles of Military government, by which the British Army is so proudly distinguished, that ignominious and severe punishments should be dealt out, without trial or enquiry, for undefined offences, and even without an accusation.

The punishment awarded to Lieut. Forbes, was his removal to a hill fort notorious for its insalubrity, and which has heretofore been frequently used as a place of punishment for the lower ranks of the Army. If any doubt could arise concerning this removal as a punishment, and that that punishment proceeded from the suggestions of Lieut. Col. Innes, the Adjutant General's Letter accompanying that Order, will entirely remove it. In that Letter, Lieut. Forbes's removal to Condapilly, is expressly specified as a punishment for indecorous conduct at the mess of the Madras European Regiment on the 7th May; it is pointed out as an example to the rest of the corps; and Lieut. Maitland, on a similar imputation, is at the same time removed from his situation as Quartermaster. To this punishment Lieut. Forbes submitted; having ineffectually applied to the Commander in Chief for an investigation by Court Martial for the supposed offence, for which this severity had been inflicted upon him. The Quartermastership was then offered to Lieutenant Spankie. The invidious nature of a promotion to a situation, from which a brother officer had been removed, under such new and extraordinary circumstances, was of course a matter of great embarrassment to Lieutenant Spankie. Hesitating to accept it, Col. Innes pressed it upon him with a threat of a Court Martial; and Lieut. Spankie, in the presence, and from the dictation of Colonel Innes, wrote down the following memoranda of the consequences which would result from his refusal; namely, that if he refused the situation, he would be brought to a Court Martial; that the Regiment would be reduced; and every officer not on the general Staff, placed on half-pay.

"The Court will see, that without any fancied cause of grievance, in suspending the fate of a whole Regiment, on the act of one or two officers, and announcing the indiscriminate punishment of all, for the imaginary offences of a few, some irritation must naturally have been produced in the minds of the officers, by a conduct so little reconcileable

reconcileable to the ordinary rules of the Military discipline. *The sensation which it excited, added to the sympathy felt by the regiment in the general complaints of the Army at large, may be easily conceived.*

The Court will see, that in thus ascending to the first causes of the agitation at Masulipatam, I am strictly pursuing the course of my Defence, although those causes had begun to operate before I arrived there. The Judge Advocate has himself attributed that agitation to the mistaken apprehension that had gone forth, as to the disbanding of the regiment. If I can shew that the whole conduct of the officer representing the authority of Government at that station, had a systematic tendency to strengthen and confirm that alarm, you will be better enabled to estimate the nature and degree of the commotion in which I was called upon to act. The deprivation of all Military right to a large body of officers, and the threats so frequently denounced of extending their fate to the whole of the Corps, could in the nature of things have had no other effect; and when to this you add the general participation in the sufferings of the army, there will be but little difficulty in forming a conjecture of the difficulties with which I had to struggle; and in a more mature state of the disturbance, to avert the evils, which the blind, I might almost say insane proceedings of Lieutenant Colonel Innes, had produced.

" On the 27th of May the Officers of the regiment addressed to the Officer commanding the Army, a Letter, in which they respectfully apply for a copy of the information he had received on the subject of Colonel Innes's complaint, expressing their confidence that they would be able to convince the Officer commanding the Army, that that transaction had been misrepresented.

" On the second of June a Government Order arrived, directing Lieutenant Forbes to proceed to the Presidency to embark for Penang; and Lieutenant Maitland to hold himself in readiness, with thirty men of the regiment, to serve as marines on board the Samarang sloop of war. While the impression which Lieutenant Colonel Innes, in his conduct to Lieutenant Forbes and Lieutenant Maitland, was yet recent, and the denunciations published in the Regimental Orders fresh in their recollection, it was impossible to disconnect this Order from the threats which had been denounced against the regiment by the Officer commanding the Army. The officers of the regiment, therefore, earnestly pressed upon Colonel Innes the propriety of selecting two other officers for those duties. They suggested, that having been disgracefully held up to the regiment as guilty of conduct contrary to every principle of military subordination, and on that account, as being unfit to be sent on command, with such accusation hanging over them; and suggesting at the same time the injustice of sending them from the coast without a military investigation. During this conference it will be proved to you, that Colonel Innes read to this Deputation of officers, an extract from a Letter, purporting to be from the Commander in Chief, in which the regiment was threatened to be disbanded, in terms the most strong and unequivocal; at the same time he acknowledged his error as to what had taken place at the mess-table, and required only an apology from Lieutenant Forbes and Maitland. Having thus acknowledged the imputations upon those Gentlemen to have been unfounded, and in the same breath requiring from them an apology, it followed as a matter of course, that no such apology could have been given. I am sorry that it is necessary for me to dwell upon these melancholy wanderings of mind and inconsistencies of conduct at a seaosn which required the most sober, cautious, and vigilant exercise of authority in an officer of so high a rank, and placed in so important a charge.

" The impression that those two officers were selected for punishment, was now corroborated; the reflection contained in the Letter of the Commander in Chief on the whole Corps; the refusal of all military enquiry into unfounded complaints, as if those complaints had been fully substantiated; the threat so undisguisedly avowed, of disbanding the Corps, occasioned a gloomy and sullen inquietude in the minds of all; and the recent appointment of the obnoxious officer to the Marine Service, inflamed that inquietude into the most vehement indignation. A resolution, to which I was not privy, and over which I could have no influence, had been formed to oppose the embarkation of the party. I received no intimation of it but by loose reports; but with the sincerest and most anxious wishes to counteract any symptom of opposition to the orders of Government, I earnestly recommended them to abandon that resolution. My Counsel succeeded. The resolution which had been adopted on the 3d of June, was actually abandoned on the 10th. Betwixt that period and the 24th successive orders arrived for three parties of the regiment to prepare for embarkation as Marines. In the mean time, the dissatisfaction occasioned by the punishment of the officers, and the singular character of punishment which had been adopted, had begun to influence the privates.

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Without any communications with their officers, but animated by an enthusiastic determination to adhere to their cause, the men had determined to resist the execution of those Orders. About noon, on the 24th of June, two frigates appeared in sight; the agitation which arose, when it was known that these ships had been ordered to carry away the three detachments of Marines, may perhaps be conjectured; I despair of describing it. At this moment my remonstrances were not wanting, to recommend a submission to the Orders of Government; but they were feebly directed against the prevailing emotions of the garrison. A Deputation of officers waited upon Colonel Innes, and besought him, by every argument which the inflamed state of the garrison suggested, and by an appeal to every topic of reason and common sense, to suspend the embarkation till the result of a reference to the Government, should be known. There are moments when prudence and moderation, and the influence of a salutary and cautious forbearance, are of inestimable value in human affairs. I will venture to assert, that had Colonel Innes been disposed to carry these orders into effect with mildness, and at the same time to dispel the alarms they had occasioned, by a full and candid explanation of the intentions of Government, all opposition would have subsided; but those opportunities are as fleeting as they are important. The conduct of Colonel Innes was a tissue of violence, obstinacy, and contradiction; and the alarm and consternation of the garrison were redoubled.

Colonel Innes however assured the officers, that not a man of the regiment was to be embarked. This was about four in the afternoon. The officers were satisfied. About two o'clock the next day (the 25th) he sent for the Adjutant, Lieut. Nixon, and ordered him to have the several detachments of the regiment ready to embark immediately; and to carry a message to the officers to this effect:—That Col. Innes had sent a requisition to the frigates, to land part of their crews; and would call in the detachment of the 59th, to enfore the immediate embarkation of the party destined to serve as marines; at the same time observing, that the Artillery at the Cantonment were ordered to be in readiness to assist them. Lieut. Nixon vainly endeavoured to point out to Col. Innes, how unseasonable and irritating such a message was; and hinted at the consequences which must ensue, if force was called in to execute an Order, which there was so general a determination to resist. His orders were peremptory. The message was delivered. The irritation it excited, must be described by the Witnesses. But it was an irritation which was occasioned by the disgraceful mode in which Col. Innes shewed himself prepared to carry it into effect. The threat of calling in the crews of the ships, to force British soldiers into a marine service, inflamed even the moderate into opposition. The whole garrison were now united in one general and avowed determination, to resist its execution at every hazard.

At this time I was at a considerable distance from the fort, ignorant that Col. Innes had ordered the embarkation; ignorant also of the resolutions which had been adopted to resist it. I knew of nothing that was going on, until Lieut. Fenwick of the Madras European Regiment, rode up to my door, in apparent perturbation, and brought me a Note, intimating the earnest wish of all the Officers in garrison, that I should immediately come into the fort, to prevent bloodshed. The Court before whom I stand are military men, minutely conversant with military duty, and with those duties which, though not defined and specified by positive letter, arise out of new perils and unforeseen emergencies. They well know, that there are occasions on which officers are imperiously bound to act; in which the evil constitutes the law, and the necessity gives the authority. As next in command, the safety of a British garrison, obviously endangered by the acts of a senior officer, legitimately devolved upon me. It is that wholesome discretion, which must not indeed be exercised lightly; but it would be a pedantic, and absurd proposition, to deny that it could never be exercised at all.

I conceive, that had I passively and inertly suffered the butchery and massacre that would have ensued, without adopting some measure to suspend those consequences, till the Government should have been apprized of what was transacting in the garrison, I should have incurred a heavy responsibility.

Dreading the ill-advised perseverance of Colonel Innes, and learning from Lieut. Fenwick that the men of the Madras European Regiment had openly declared their resolution not to embark, and their determination not to be dispersed; that they were actually at that moment fallen in upon their parade with arms in their hands, which they had expressed their resolution of using to the last extremity; all choice or hesitation seemed to be cut off from me. Upon my arrival in the fort, I found every

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every thing in a state corresponding with the alarming account brought to me by Lieut. Fenwick. The men of the Madras European Regiment, and the 1st battalion of the 19th Regiment of Native Infantry, had all fallen in, with their officers at their head, avowedly determined to repel force by force. But as the boats for the intended embarkation had not yet arrived, there was still a moment left for me to do all that I could to subdue the irritation, and to recommend a peaceful submission to the Order. For that purpose I repaired to the parade of the Madras European Regiment, where most of the officers were assembled; but the feeling, which was almost equal to madness, was too strong to be subdued by reason and remonstrance. I then repaired to Colonel Innes's house, and by every topic of persuasion I could resort to, endeavoured to convince him how expedient and necessary it was to delay the embarkation till the state of the garrison could be referred to Government. With regard to the language in which Colonel Innes in his evidence swears that I addressed him on the occasion, I not only deny it, but I shall prove it to be false.—I proceed, however, in my narrative. I had ineffectually used my influence with the regiment to exhort them to obedience. My efforts were equally ineffectual in recommending to Colonel Innes forbearance. Not a moment was to be lost: the effusion of blood in the garrison appeared to me to be too serious a mischief for hesitation or choice. Anxious to discharge my duty to my Country and my honourable Employers, I placed Colonel Innes under arrest: it was the only mode by which his mad and precipitate measures could be stopped: it was the only mode of preventing consequences which cannot be imagined without horror. I could have wished that I had it in my power to place the same restraint over those who had refused to obey the Orders; that was impossible; I did what I could. The next morning, when I thought the agitation had somewhat subsided, I made an effort to prevail upon the officers of the garrison to allow the men intended for Marines to embark; but this was an effort beyond the reach of my influence and abilities. Instead of compliance, they gave me a list of grievances, which, with the report of all the circumstances attending this unhappy affair, I fairly and impartially forwarded express to Government, informing it that I held the command of Masulipatam, until its further pleasure should be known. This report I made, under the full impression that I ran no risk in making it; but before the evening of that day I found that my authority was only nominal; and although I insisted that no further step should be taken on either side, until the decision of Government arrived, I found myself out-voted in this resolution, at a Committee which assembled that evening, contrary to my wish and contrary to my efforts. At this Committee I warmly urged, that I had made a report to Government, and that I was resolved to abide by it to the utmost of my power. It was replied, that I might find such resolutions well suited to my case, who had taken no part in the opposition, but that it was not adapted to the situation of those who had stood forward, at every personal risk, to serve the general cause of the Army. I have thus detailed to you, in this regular gradation, the events which took place in the garrison. Reluctant as Colonel Innes naturally is, to acknowledge in his evidence the necessity which he himself had created of my resorting to that extreme measure, you will collect from Lieutenant Cecil what the state of the garrison was upon that day. He describes the fermentation that prevailed; the address of the officers to the men, calling upon them for their support, before Colonel Innes was placed in arrest. He tells you also, that every thing was calm after that measure was adopted.

The outline of the same facts were also conveyed in my Letter to the Adjutant General, in which I stated the circumstances under which I assumed the temporary command of the garrison. The necessities under which I acted, and the propriety of putting a stop to the measures of Colonel Innes, have been more than virtually recognized by the Government. As soon as they received information of the transactions, they deputed Brigadier General Malcolm on an embassy of conciliation to the garrison. His powers were ample: a Court of Enquiry was ordered to investigate the matter. That enquiry was not pursued, because General Malcolm was fully satisfied, by the authentic and uncontradicted statement of the transactions that had taken place. On General Malcolm's leaving Masulipatam, he expressly placed me in command of the garrison; a circumstance which clearly shews, that my conduct in the measure, which constitutes at this time a criminal charge against me, was then considered as expedient, and as deserving the recognition of the Government itself.

The conduct of Colonel Innes has been virtually impeached, by the circumstance of his not having been restored to the command from which he was removed.

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These are facts, which loudly speak for themselves. If Lieutenant Colonel Innes had deserved the commendation of his employers, it is impossible to suppose that he would not have been openly restored to a station for which he had been originally selected.

If I have sufficiently explained the motives of my conduct, in answer to the first Charge; the assumption of the command, which forms a part of the second, will stand upon the same grounds of vindication. If Colonel Innes's arrest was urged by an irresistible necessity, the assumption of the command followed as a consequence; and instead of an usurpation, it was the exercise of a duty imposed on me by the ordinary devolution and routine of the service. It cannot surely be pretended, that my taking the command, after my being placed in it by General Malcolm, was an act of mutiny and sedition. I shall therefore confine myself to that part of the second Charge, which imputes to me the issuing of the Orders of the 2d of August.

I lament much the absence of General Malcolm. I have omitted no pains, nor overlooked any means of obtaining his testimony. I am sure that this Court will not suffer any advantage to be derived to the Prosecution from the unavoidable absence of a witness so necessary to my defence. But the Judge Advocate has admitted, "that "a Committee was formed during General Malcolm's command, and existing when "he turned over the garrison to me." But I shall go farther. I shall shew that this Committee received the sanction of that officer. The grounds upon which he approved of it, was that of its being composed of officers who in those heated times were the most moderate, and whose moderation, united to their influence over the others, tended to controul the violent, and to prevent tumultuous meetings of the whole garrison.

When the command therefore of the garrison was delivered over to me, my authority as senior officer was checked by the deliberative voice of that Committee. I had but one voice. Whatever influence I had, was strenuously exerted in disconnecting the garrison from the proceedings of the Army. Amongst other measures, which I zealously opposed, was that which is now the subject of the 2d Charge; I mean the Order of the 2d of August for the troops to prepare for field service. It received no help or countenance from me. This will be proved to you in evidence. The command was delivered over to me during the existence of that Committee; I was therefore bound to accept it, mutilated and imperfect as it was. My attendance at that Committee was suggested by the hope, that my influence might divert them from violent to moderate counsels. Having opposed, to the utmost of my power, the order in question, I did every thing I could. Unfortunately, other counsels prevailed.

The Court, I trust, in framing their judgments on my guilt or innocence, will recollect that this was not an ordinary season. The ordinary rules of military discipline had been suspended. It was out of my power to put down the Committee. It was out of my power, in any farther than mere reasoning could effect it, to controul their proceedings. Need I consume much of your time in proving that I cannot be criminally responsible for acts in which I had no concern, which I disavowed and discountenanced, and over which I had no further power or controul. Whatever therefore might have been the view, with which that Order was issued, I am not only absolved from its guilt, but entitled to commendation for having done the utmost to prevent it.

I now come to the third and last Charge. It imputes to me the signature of a Scandalous and Infamous Paper, addressed to his Excellency the Governor General. *Before you can arrive at any conclusions concerning my guilt in having signed the Paper, it is necessary that you should concur with the Prosecutor, in deeming it to be scandalous and infamous. If it shall appear to have been dictated by a sense of grievance and injustice, and to state only the obvious vindication of those measures which that injustice had provoked; if it is a complaint to a superior authority against the acts of an inferior; whatever warmth or acrimony of language some passages of it may betray, I am sure that you will not try it by a stern and severe rule of judgment. You will not look, with a spirit of austere critics, into the import of words or the tendency of phrases. You will not deem it scandalous and infamous, if men who have suffered much have expressed themselves warmly. Look at the spirit and intention, with which it appears to have been dictated. The Army had suffered, or imagined that they had suffered, gross indignity and insult. The sense of that insult had gradually driven them into a series of violent measures, urged by a series of violent provocations. These measures were as little*

to be reconciled to the strict laws of Military duty, as the provocations to just and equitable Goverment. Those who had unfortunately fallen into those errors, were not to be condemned unheard. The Governor General came hither to interpose his authority between those who complained, and those against whom they complained. To whom were they to make their appeal, but to the Supreme Authority of this part of the British Empire?—The noble Lord, who had announced his determination of repairing to Madras to hear and redress, himself invited that appeal. By whom was that appeal made? By those who were smarting under the injuries of which they complained. They would have done injustice to their cause, and most inadequately have represented their feelings, had they been nice or squeamish in the language they adopted. Acts of doubtful propriety were to be vindicated. How could they be vindicated without imputing oppression and injustice to those of whom they complained, adequate to excuse or to palliate them?—If oppression and treachery were the grievances they complained of, could they have called them by any other name?—But should you think that the tone and phrase of this Letter exceed the strict lines of temperance, some excuse will be found for it, in the feelings by which it was dictated. When men complain of oppressions, it is not usual to use the language of compliment towards their oppressors. Our nature is so constructed as to render it difficult to feel the injury, and to be mild to those by whom it is inflicted. It is too much to expect men to be complaisant under insult; to temper and controul their sense of suffering; to lie with grace and composure on the bed of torture; to groan with melody, and to writhe with elegance.

But it is not upon these general grounds that I defend my signature of this Paper, having already shewn to the Court, that I neither participated in the violence, or concurred in the extreme acts to which they were driven, it will be necessary to shew the peculiar motives which influenced me to sign it.

I have already stated the uniform efforts I made for the restoration of peace and discipline. I signed this Paper as one of the senior officers, and as one of the means by which alone tranquillity could be restored. I did not frame the Letter I know not whether I read it; I was intent only on the consequences which were likely to result from my signing it.

I have stated my authority as controled and circumscribed by the Committee. I could not but have observed the effect which the successive measures of the Madras Government had produced on the minds of the garrison, and that gradually they had entered into a complete concurrence with the projects of the Army at other stations; a concurrence which I uniformly deprecated and dissuaded. When the Hyderabad Force had invited the Committee at Masulipatam to enter into the same combination, I succeeded in diverting the minds of the garrison from that measure; but when intelligence of the transactions at the Mount reached us, *and it was found that the Government had resorted to the expedient of separating by stratagem the officers of Native Corps from their troops, my feeble authority was overborn by the general indignation.*

In this state of things, I apprehended the worst consequences. On the 5th of August, however, Lord Minto's Proclamation arrived: it healed and composed the agitations. I gladly took advantage of these symptoms of tranquillity, to urge the Committee to stop all proceedings till his Lordship's arrival.

This proposition, however, was rejected. It was resolved, that the greater part of the troops in the Division should move on the 8th of August, to form a junction at an advanced point towards Hyderabad. My authority was ineffectually opposed to that of the Committee; in obedience to their mandate, the troops of the different stations actually commenced their march. I had before my eyes the worst of horrors; I still laboured to avert them; I prevented the seizure of the Treasure by prayers and remonstrances. I knew that had the Treasure been seized, there would have been no impediment to the execution of the rash designs which were in meditation. On the 7th of August, the day before that of the destined march, I resolved to make my last effort. My arguments prevailed. I persuaded them to countermand the orders which had been given to the other stations; but the sole condition on which I succeeded in bringing them over to moderation, was that of my signing and forwarding to the Governor General the Letter which constitutes the subject of this Charge. I gladly acceded to that condition. I did not look with a critical eye on its contents; I did not examine its sentiments; it was sufficient that it was the means of averting the evil which impended over the Country.—These are the motives that induced me and Captain Andrews, as senior officers, to affix our signatures.

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I have now, Gentlemen, with a manly freedom, stated to you the various grounds of my Defence to these Charges. I have done so, with the fearlessness and simplicity of truth, relying with steady confidence on the suffrage of all who may hereafter review the late melancholy commotions, and may bring to the enquiry, minds untinctured with prejudice and unbiassed by animosity. With equal confidence I rely on the honour of this Tribunal. I am convinced that acts by such a Tribunal will be tried by their intentions; if those intentions have been inspired by a sincere zeal for tranquillity and discipline, slight errors, even if I had fallen into any, will be overlooked in the general uprightness and integrity of my views. It is no inexpiable crime, with such views and intentions, to have slipped and erred. But it administers to my feelings no slender consolations, that I have averted bloodshed and civil warfare. With such reflections, the result of this Trial may indeed be calamitous to my fortunes, but it cannot be disgraceful to my honour. Through a long course of service, that honour has been unquestioned. And I close my Defence with the assurance, that upon this awful occasion, it will be found still untouched and unblemished.

Lieutenant SPANKIE of the Madras European Regiment, a Witness on the part of the Defence, duly sworn.

The Charges are read:

Question from the Prisoner:—State to the Court what you remaked of the state of the Garrison of Masulipatam, on and previous to the arrest of Colonel Innes.—The officers of the Garrison of Masulipatam, as well as the officers in other stations of the Army, were agitated at the seeming suspension of all military law, and the apparent intention of the Madras Government to punish every officer of the highest rank, without any investigation; they imagined they saw this system extended towards a whole regiment, when they saw in the regimental orderly book of the Madras European Regiment, a copy of a Letter from the Adjutant General of the Army, in which it was stated, that a repetition of a supposed irregular occurrence at the mess of the Madras European Regiment, would involve the whole corps in the severest penalites to which military insubordination is liable. A very great degree of irritation existed in the minds of the officers of the Madras European Regiment, and in those of the garrison in general, on finding that Lieutenant David Forbes was ordered to proceed to Condapilla, at which place there was no medical man residing, with positive instructions not to leave it unless the state of his health absolutely required it. That irritation was also considerably increased by the removal of Lieutenant Maitland from the situation of Quartermaster of the Madras European Regiment, on a report communicated in a private Letter, and which report every officer present with the Madras European Regiment at that time (with the exception of Lieutenant Cecil) in a Letter addressed to the Adjutant General of the Army, and forwarded in the usual manner by Colonel Innes to the Commander in Chief, offered to prove to be incorrect. The irritation still continued to increase, when on the 4th of June Colonel Innes sent for me, gave me a Letter from the Commander in Chief, informing me, that he had given in my name to succeed Lieutenant Maitland as Quartermaster, and informing me, that in the event of my refusal to hold that situation, I should be brought to trial for disobedience of orders, the regiment would be reduced, and all those officers not on the general Staff would be placed on half-pay. For making such a threat, Colonel Innes gave me every reason to believe that he had the authority of the Commander in Chief. The substance of what I have above stated, that he informed me, he read from a Letter which he held in his hand, from General Gowdie. Colonel Innes, anxious that I should not misunderstand what he said, desired me to sit down and write three memorandums, which he dictated. What I have above stated is the substance of these memorandums, and as far as I can recollect the words. I had not left Colonel Innes above a quarter of an hour, when I received a Note from him, in which he desired me to consider, that by acceding to General Gowdie's wishes in accepting the Quartermastership, I should save a whole regiment. This Letter I have now in my possession, and in Colonel Innes's hand-writing, and can produce to the Court, if necessary. The officers of the Madras European Regiment were greatly agitated at finding that their fate and the fate of the regiment, was to depend on the act of an individual; and the agitation was so great, that a great number of them determined on preventing Lieutenants Maitland and Forbes from leaving the corps, until their conduct had been investigated; but on assembling to consider of the propriety of this, it was agreed that it would be improper to do it at that time. In consequence a Deputation waited upon Colonel Innes, to endeavour

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endeavour to convince him of the propriety of his endeavouring to prevail on the Commander in Chief to select two other officers for the duties named, in an order which I think was issued about the 3d June. I was one of the officers of that Deputation, and Colonel Innes seemed then to be convinced, that when at the mess-table on the 7th of May, he was sitting at such a distance from Lieutenant Maitland, that he might have been mistaken with regard to his person. This the officers of the Deputation reminded him was a strong argument for his complying with the respectful request they made him; they suggested to him that these officers, Lieutenants Forbes and Maitland, had been accused in the public orderly book of the regiment, of having been guilty of conduct highly indecorous, and contrary to every principle of military subordination: if guilty of that crime, these officers appeared to be unfit to be sent on command; and if innocent, that it was consistent with reason and justice that they should not be sent from their corps and the coast, until the charge so publicly made against them had been as publicly retracted; instead of which, it appeared that Lieutenant Maitland had been selected as a further punishment, which Colonel Innes admitted. The Deputation made use of no disrespectful language to Colonel Innes on that occasion, and just before they were about to leave him, he promised to endeavour to get Lieutenant Maitland restored to his situation, provided he would apologize for expressions he had made use of on the 7th of May. He was told that that officer was not conscious of having made use of any improper expression on that occasion, that the officers of the regiment who were present at the mess on the night alluded to, were of the same opinion, that therefore no apology could be expected. A short time after, the Deputation of officers returned to the mess-house. Colonel Innes sent a rough draft of a Letter, which he said he would send to Government, provided Lieutenant Maitland would make the required apology. The apology was still refused, and in consequence the Letter was returned to Colonel Innes. Colonel Innes's conduct at this time tended to encrease the agitation which then existed in the minds of the officers of the garrison. Finding that our respectful appeal to the Commander in Chief had produced no effect, that Lieutenant David Forbes's request for a Court Martial had been refused, without any reason being assigned; it was agreed, that the harsh proceedings towards the Madras European Regiment, should be communicated to our brother officers at every station of the Army. This was accordingly done, and previous to the 25th June we received communications from the neighbouring stations, by which it appeared, that the agitation which the account of Lieutenants Forbes and Maitland's treatment, of the threat held out so publicly to the Madras European Regiment in general, was almost equally great at those places as it had been at Masulipatam. And as soon as we could receive answers from Hyderabad, and all the principal stations, we found that they entirely concurred in opinion with the officers of the Garrison of Masulipatam. Reports from various quarters were communicated, mentioning the intention of Government to disperse, and finally disband the Madras European Regiment. We thought that Colonel Innes's conduct, and the threats he had made use of, confirmed these reports; and when the orders for two additional detachments of Marines arrived, we thought this a further confirmation of these reports, especially as there was then a detachment of His Majesty's 59th Regiment of Foot in the Garrison of Masulipatam, the strength of which was nearly equal to the number of men required from the Madras European Regiment. That detachment was ordered to embark on the same ships with the three detachments required; and until the arrival of Brigadier General Malcolm, we were entirely ignorant that his Royal Highness the Duke of York had ordered, that none of His Majesty's troops should serve as Marines; believing, therefore, that it was the intention of Government to degrade and punish the Madras European Regiment in general, it was agreed at a General Meeting of the officers of the garrison on the 24th of June, (some were not present, Major Storey was not) that the embarkation of the three detachments of Marines should be prevented, until a representation was made to Government on the subject. It was the opinion of many that Colonel Innes would suspend the execution of the order, until a representation had been made to Government; accordingly a Deputation waited upon Colonel Innes, to request him to suspend that order. I was one of that Deputation, and we met Colonel Innes at the sea-gate of Masulipatam, waiting to receive two Naval officers that were about to land from His Majesty's ships then in the roads. One of them delivered a Dispatch from Government to Colonel Innes, but I believe, previous to his reading it, the officers of the Deputation requested to speak with Colonel Innes. They requested him to suspend the execution of the orders alluded to, which he positively refused to do. They read to him the determination of the officers of the garrison, to prevent

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the embarkation of the Marines; he then said, that he would try whether the men of the regiment would obey him or us, meaning the officers of the garrison. Before we left him, he opened the Government Dispatches, and informed us, that the detachment of His Majesty's 59th had as yet only been ordered to embark; we had some hopes that the measure of sending Marines from the Madras European Regiment had been abandoned, and in consequence were in some degree satisfied. On the morning of the 25th, Colonel Innes again repeated, that orders had only arrived for the embarkation of the 59th. He mentioned this to the officers who were standing round him at parade, and said, the officers who had been warned for detachment were to hold themselves in readiness to embark at three hours notice, in the event of the arrival of the order. About two o'clock on that day, Lieutenant Nixon came to the mess-house of the Madras European Regiment, where a considerable number of officers were assembled, and informed us, that Colonel Innes had received the order for the embarkation of the three detachments; that he was determined to enforce the immediate execution of it, and for this purpose threatened to call in the assistance of the detachment of His Majesty's 59th, the company of Artillery then in cantonment, and a party of men which he said would be landed from His Majesty's ships then in the roads. On this information being communicated, the irritation in the minds of the officers, which had been gradually encreasing, was then very great. The officers of the Madras European Regiment, who were present at that moment, determined to consult their men; previous to that time, they had never spoken to them on that subject. An officer present, not of the Madras European Regiment, was requested to write to Major Storey, who resided in the cantonment, expressive of our earnest wish that he should immediately come into the garrison. The officers of the Madras European Regiment went to the barracks, and every officer assembled his own company, and informed the men, that they had a right to volunteer as marines, but that their officers would not accompany them. The company to which I belonged, answered with one voice, that they would not go unless their officers went with them. I spoke only to that company; after having spoken to my company, I was returning to the mess-house, when I saw Captains Kelly and Harrington, of the 1st battalion 19th Regiment, going towards Col. Innes's house, which is in the neighbourhood of the mess-house. I joined them, and went with them to Colonel Innes's house. These officers endeavoured to convince Colonel Innes of the agitation which prevailed, and of the determination to resist force by force. I mentioned to Colonel Innes, the determination of the men to live or die with their officers, and requested him to consider the dreadful consequences of opposing force to them. I told him, that whatever blood might that evening be spilt, would be upon his head; reminding him, at the same time, that his conduct had produced the agitation which prevailed. I left him, and in a short time after returned with the great majority of the officers of the garrison to his house. It was impossible for Colonel Innes not to have then seen the agitation which prevailed in the minds of the officers. He was implored in the most solemn manner by several present to desist from the measure he intended to carry into execution. All remonstrances with him proving to be ineffectual, the officers of the Madras European Regiment proceeded to the Barracks, determined to abide the consequences of the resolution which they had thus entered into. These are, so far as I recollect, the causes which led to Colonel Innes's being placed in arrest.

Question:—How far was my house from the garrison?—I think about 2½ or 3 miles.

Was I present at any of the meetings which took place on either the 24th or 25th?—Major Storey was never present at any meeting which I attended, at or before the arrest of Colonel Innes, and I think I was present at all.

Judge Advocate:—Did Colonel Innes read to you the Letter, which he stated to have received from the Commander in Chief?—Colonel Innes did not read the whole of the Letter, but he held it in his hand while he dictated the memorandums to me.

Will you be good enough to state the entire purport of those Memorandums?—I have already stated the substance of the two first; the third was, I think, to this effect; in the event of my accepting the situation, other plans of a more agreeable nature have been in contemplation for the Madras European Regiment, which the officers seemed determined to put a stop to.

Did you communicate the purport of these Memorandums to the officers of the regiment?—I immediately did so.

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Had the men of the Madras European Regiment, previous to the 25th of June, expressed any discontent at being ordered for the marine service?—I had no communication with them on that subject previous to the 25th, and did not hear any dissatisfaction expressed.

Question from the Court:—Did you, at any time on the 25th of June, or any subsequent period, see the Prisoner Major Storey take any steps to allay the agitation in the Garrison of Masulipatam, or exhort the officers and men of that garrison to obey the orders that had been received, relative to the embarkation of the detachment ordered to act as marines?—The agitation was allayed on Major Storey's placing Colonel Innes in arrest, and representing the circumstance to Government. I do not recollect being present when Major Storey exhorted us. He did not assemble the officers, and make any exhortation that I know of, to that effect.

You have stated, that it was determined the harsh treatment towards the Madras European Regiment should be communicated to your brother officers at the different stations of the Army; did the Prisoner Major Storey concur in or in any way give his sanction to this measure?—No.

Was the act of putting Lieutenant Colonel Innes in arrest, voluntary on the part of Major Storey, or was he urged to do so, *solely* from the earnest entreaties of the officers of the garrison?—I should conceive, from the earnest entreaties of the officers of the garrison, and from the necessity of the case, to prevent bloodshed; I cannot speak positively as to Major Storey's motives.

Did he, at any time during the day of the 25th, object to the measure?—To my own knowledge he did not.

From the knowledge you had of Major Storey's conduct on prior occasions, did you conceive, that the circumstance of Colonel Innes's arrest was an act which he performed without much reluctance?—I conceive it was an act that he performed with the greatest reluctance; and the ground on which I form this opinion, is, that previous to the 25th, I shewed Major Storey a copy of Charges, which had been drawn out against Colonel Innes, for sending in a false report of what had occurred at the mess on the 7th of May; and Major Storey declined putting Colonel Innes in arrest.

When Major Storey came into the fort, at the earnest request of the officers of the Madras European Regiment, did he attend any meeting of the officers then assembled; and if so, what passed at that meeting?—MajorStorey, on his arrival at the usual parade of the Madras European Regiment, saw many officers assembled, and standing together near the barracks; but that was not a meeting that had taking place by appointment; nor did I see Major Storey at any meeting that day.

State Major Storey's conduct at that time.—Major Storey appeared to be considerably agitated at the irritation which was apparent among the officers; he spoke to only one or two of them, and then proceeded, I believe, towards Colonel Innes's house.

Did he at any time attempt to support or assist Colonel Innes in carrying the Orders of Government into effect?—I did not see him make any attempt to support or assist Colonel Innes in carrying those Orders into effect.

Did you hear nothing that passed between Major Storey and the Officers he spoke to, on his arrival at the parade of the Madras European regiment?—I have at present no distinct recollection of it.

Judge Advocate:—To your knowledge, was the first battalion 19th regiment under arms when Major Storey arrived in the fort?—Being present at the parade of the Madras European Regiment, I could not see it.

To your knowledge, did Major Storey proceed to the barracks of the regiment under his immediate command, before he resorted to the measure of placing Colonel Innes in arrest?—I did not see him.

Question from the Court:—Do you know if Colonel Innes at any time called on Major Storey to support him in enforcing the Orders of Government for the embarkation of the officers and men of the Madras European Regiment?—I do not know.

The Witness retires.

Lieutenant FENWICK of the Madras European Regiment, a Witness on the part of the Defence, duly sworn.

The Charges are read.

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Question from the Prisoner:—Did you ride to my house, and communicate to me a message on the afternoon of the 25th June last; what was the nature of that Message?—I rode out to Major Storey on the 25th, and informed him, that the officers in the garrison were in a state of ferment, and that he was requested to come into the fort, or there would certainly be bloodshed. I mentioned to Major Storey, that Colonel Innes was determined to carry into execution, by force of arms, the Order for the embarkation of the troops of the Madras European Regiment, and that the officers of the garrison were determined to resist it. I carried out also a chit, which I understood to be to request him to come into the fort.

The Witness retires.

Captain KELLY of the first battalion 19th Regiment, a Witness on the part of the Defence, duly sworn.

The Charges are read.

Question from the Prisoner:—State to the Court, what you remarked of the state of the Garrison of Masulipatam, on and previous to the arrest of Colonel Innes.—There was a great deal of agitation on the 25th, in consequence of Lieutenant Colonel Innes having sent a message by Lieutenant Nixon, that he would enforce the Orders of Government by sending for some of His Majesty's seamen and marines from on board the ships, which were then in the roads, and the artillery, and detachment of His Majesty's 59th. This was in consequence of a Deputation, which waited upon him the evening before, requesting he would defer carrying the Orders of Government into execution, until a reference could be made to them on the subject.

State particularly what state the men were in, on the afternoon when Colonel Innes was arrested.—They were all under arms, and the officers all with them, determined, in consequence of that threat, to oppose this measure to the utmost of their power.

Were not the men under arms before I came into the fort?—Yes.

Was not that the reason for my being sent for into the fort?—Yes; it was in consequence of Colonel Innes having threatened to use force, that every officer was determined to oppose it; and we sent out a message to request Major Storey would come in to appease the tumult.

From your knowledge of the intentions of the officers and men, what would have been the consequence if I had not placed Colonel Innes under arrest?—I answer from my own feelings, that they would have all resisted the men going on board, and would have either conquered, or been obliged to submit to Colonel Innes; in short, they were determined to oppose the measure with their lives.

Was not a detachment of H. M. 59th in a dangerous situation; and could I have released them without placing Colonel Innes in arrest?—No doubt they would have been in a dangerous situation had they taken any part against us; nor do I think there was any other way of quieting the minds of the officers and men, except by placing Colonel Innes in arrest, and forwarding our representation to Government.

Did not that measure contribute to the protection of the detachment of H. M. 59th Regiment?—I think it did, so far as they would probably have obeyed the orders of Colonel Innes and resisted us, and if they had there would have been a skirmish.

You say the troops were under arms when I arrived in the garrison, would the officers have allowed me to harangue the men, and endeavour to bring them over to Colonel Innes?—No.

The Court adjourns till 10 o'clock to-morrow morning.

Tuesday, the 16th day of January 1810.

THE Court met pursuant to adjournment.

Members all present.

Captain *Kelly* is called into Court, and examined on his former oath.

Question from the Prisoner:—What would have been the consequence to me, if I had attempted to bring the men over to support Colonel Innes?—I can't positively say; I think you would have run a very great risk if you had attempted any thing of the kind, most likely thrown into the ditch.

Judge Advocate:—You have said that the troops were under arms when Major Storey

Storey arrived in the fort; was the battalion under the immediate command of the Prisoner also under arms?—Yes, they were.

Can you say by whose orders?—Major Storey was not in the fort when they fell in,; the officers of companies ran to the barracks for protection, and ordered the men to fall in immediately.

When Major Storey arrived in the fort, did he proceed to the barrracks of his own corps?—No, he did not.

Did he do so from the time he entered the fort, at any period previous to his placing Colonel Innes under arrest?—No.

To your knowledge, did Major Storey make any attempt to induce the battalion under his orders to assist his superior officer in carrying the Orders of Government into effect?—No, he did not.

Did the Prisoner make any attempt to allay the ferment in the fort on that day, previous to his placing Colonel Innes in arrest?—I did not see him till after Colonel Innes was in arrest, so cannot say.

You have stated what you conceive would have been the consequence, if Major Storey had attempted to bring the men over to Colonel Innes; is this opinion formed from a knowledge that the men of the 1st battalion 19th Regiment would have resisted the legal orders of their Commanding Officers; or, what the inclinations of the officers would have dictated?—I think they would have obeyed any order that was given to them by their immediate officers at that time.

You are, I believe, very conversant with the feelings and habits of the Native troops?—I can't say that I particularly am, more than the generality of people.

Do you not know, that one of the first principles of a Native soldier is, to look up for protection to the senior officer over him, and as the person whose orders he is bound to obey?—Yes.

Had Major Storey attempted to harangue his battalion, do you think they would have violated the respect due to a Commanding Officer by assisting in throwing him into the ditch, or any other measure of that nature?—Yes, if they were directed by their officers, and that order was against the interests of the officers in garrison.

Question from the Court:—Should you not think it your duty to support the authority of your superior officer at the risk of your life?—It depended upon the times altogether, as I am referring to the disturbances, but generally speaking I should.

The Witness retires.

Lieutenant and Adjutant NIXON, of the Madras European Regiment, a Witness on the part of the Defence, duly sworn.

The Charges are read.

Question from the Prisoner:—State to the Court what you remarked of the state of the Garrison of Masulipatam, on the 24th and 25th of June.—On the 24th of June, at about 11 o'clock, His Majesty's frigate Piedmontese and the Samarang sloop of war came to anchor in the roads of Masulipatam. The officers of the garrison in general assembled together at the mess-room of the Madras European Regiment; the Orders issued in the regiment orderly book, respecting the details ordered to be in readiness for marine duty, had created a good deal of anxiety previously. But this anxiety was still more encreased upon the arrival of these ships, and the officers began to doubt that the orders for the embarkation of the Marines were not strictly legal; but more particularly, as they imagined that it was intended as a punishment on the regiment. Colonel Innes had acknowledged to myself, that sending Lieutenant Maitland with a detail upon marine duty, was no doubt intended as an additional punishment upon him; this, together with the sending Lieutenant Forbes disgracefully out of the fort of Masulipatam to command Condapilly, with orders not to leave that station, unless his health absolutely required it: these circumstances induced the officers to come to the resolution of preventing the details from the regiment to embark as Marines; at the same time they resolved to make known this resolution to Colonel Innes by a Deputation, and to request that he would be good enough to postpone or suspend the order, until a reference could be made on the subject to Head Quarters. Colonel Innes, at the time the Deputation waited upon him, was at the sea-gate or on the beach, waiting the arrival of a boat coming up the river. He saw the gentlemen approaching him. When the substance of the resolution of the officers of the garrison was communicated, he replied, "What, gentlemen, do you mean to resist the orders for the embarkation of the Marines? I shall

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see whether the men will obey your orders or mine." The Deputation still requested of him to only postpone the business till an answer could be received from Madras, which he peremptorily refused. Two naval officers from the boat had by this time come up to him, one of whom delivered him a Letter, which he opened and read, and to the best of my recollection, the purport of it was, an order for the embarkation of a detachment of H. M. 59th Regiment. Colonel Innes observed, "you see, gentlemen, there is no order for the men from the regiment; but when I receive it, I am determined that the men shall go, and that the Orders of Government and the Commander in Chief shall be obeyed at the risk of my life." The Deputation left him at about half past six o'clock the same evening. Colonel Innes sent for me, and desired me to communicate to the gentlemen, that he wished for a copy in writing of the message delivered to him, and for the reasons the officers of the garrison had to assign for so unusual and extraordinary a conduct, and that he expected both by twelve o'clock next day, which I communicated accordingly to them. Colonel Innes told me, that he had written a Letter to Captain Foote, to ascertain whether he had any orders to receive men from the regiment as Marines, and that as soon as he received an answer he would send it to me. At eleven o'clock the same night, Colonel Innes sent his servant over to my house with two Letters, the one public, the other private, from Captain Foote; the purport, to the best of my recollection, of the public Letter was, that he had no further instructions than those he had sent on shore to Colonel Innes on the subject of Marines. Colonel Innes had a parade on the morning of the 25th; and standing in a circle of the officers, he observed, that he had received no orders as yet for the embarkation of the detachments ordered for Marine duty; and I particularly recollect, Colonel Innes addressed two of the officers, Lieutenants Lawless and Carberry, who were in orders for that service, that they were still to hold themselves in readiness to proceed at the shortest notice. I waited as usual upon Colonel Innes at nine o'clock for orders. He repeated the message that he had given me the preceding evening, and desired to go again to the gentlemen for a copy of their message, as well as their reasons for having acted in the manner they had done. I delivered the message, and the gentlemen were at that time making out the copy and their reasons, and they desired me to acquaint Colonel Innes, that they should be forwarded to him as desired, which I accordingly did. At about two o'clock, when I was at the mess-house at tiffin, Colonel Innes sent his Orderly with a message for me to attend him forthwith; I accordingly complied, and on my arrival at his house, I found two Naval officers sitting at table with him. He requested to speak with me in the adjoining room, when he said, "Mr. Nixon, there has been a grand mistake; one of the gentlemen in the other room has just delivered to me this Letter, ordering the three detachments to be embarked on board the ships of war in the roads; you will accordingly have them in readiness to go on board this evening at five o'clock." He desired me to peruse the Letter, and I would find the arrangements Captain Foote had made for the disposal of the detachment of His Majesty's 59th Regiment, as well as for the men ordered on marine duty. And to the best of my recollection, it was detailed in the Letter, that His Majesty's troops were to be accommodated on board the frigate, and that the men of the Madras European Regiment were to be in the sloop. Colonel Innes observed to me, that he hoped the gentlemen of the garrison would allow the order to be complied with quietly, but that if they attempted to resist the Orders of Government and the Commander in Chief, for the embarkation of the detachments from the regiment, that he was determined to have recoure to resistance, and that he would, force to force, carry them into effect at the risk of his life; that he would call in the aid of the company of Artillery, as well as the detachment of His Majesty's 59th Foot then in the Fort; and that with the co-operation of the seamen from the ships of war, he would enforce the orders he had received. I took the liberty of addressing Colonel Innes, that if he sent the above recited message to the officers of the garrison, that I was apprehensive it might irritate them, and I requested of him to pause before he sent it. He was peremptory, and ordered me to go and deliver it immediately; I complied. I delivered the message to the gentlemen in the mess-house, and the moment that I had uttered it, I cannot describe sufficiently the effect it had upon them; they flew to their swords and hats, and the impulse of the whole seemed to be a determined defiance at the threat Col. Innes had sent them; they instantly repaired to the barracks, and fell in the men. The agitation at this time was excessive; seeing the effects that it had upon the officers, and the consequences that were likely to result, I immediately ran over to Colonel Innes, and told him of the ferment his message had excited. I begged of him to pacify the officers, and to comply with their request to postpone the order

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order until an answer could be received from the Presidency. Colonel Innes in reply said, he feared no consequences, and that he was determined the order should be complied with. I left Col. Innes and went to Captain Andrews, who was sick in quarters, to acquaint him as next senior officer, of the circumstances that had taken place. I remained I think about 10 or 15 minutes in the greatest anxiety; as the officers were then with their men, I did not know how the agitation might be appeased. Several of the officers of the garrison came to Capt. Andrews, who, sick as he was, came out in his palankeen, with the intention in my opinion of acting for the best at such a period. About this period Major Storey came galloping into the fort; the circumstances were made known to him, and he was requested, as next senior officer, to prevent bloodshed, and adopt the only measure that could restore tranquillity, "the placing of Colonel Innes in arrest." He begged of the gentlemen around him, to pacify the men, and keep them in order, that he would go and speak to Colonel Innes, and acquaint him with the ferment, and state he had found the garrison in. I accompanied Major Storey with Lieutenant George M'Kenzie Stewart of the 24th Regiment to Colonel Innes's house. After the usual salutation and compliment between Major Storey and Colonel Innes, Major Storey stated to Colonel Innes, that he had just arrived in the fort, that he had found an uncommon agitation amongst the troops, that the officers had repaired to the barracks, and that he understood the cause proceeded from a message of a threatening nature he had sent them. Colonel Innes in reply said, that if they the officers had gone to the barracks, it was no order of his, and referred Major Storey to me as Adjutant, if he had given any orders for the troops to be under arms. Major Storey observed to Colonel Innes, how necessary and advisable it would be, to allay the ferment and pacify the troops; and added, that he conceived, if Colonel Innes would postpone the order for the embarkation of the Marines, till an answer could be received, as he, Major Storey understood, had before been requested by the officers, that it might in some measure appease the officers, and allay the agitation. Colonel Innes would by no means consent to any delay, and repeated to Major Story his Colonel Innes's determination to carry the Orders of Government into effect. Major Storey alluded to the consequences that might ensue, and hinted to Colonel Innes, that if he did not endeavour to restore tranquillity, how unpleasant it would be for him to interfere as next senior officer. Major Storey had in reply from Colonel Innes, that he could not interfere as long as he commanded. Major Storey still requested Colonel Innes to reflect on the consequences of opposing force to force. Colonel Innes still persisted in the same strain, that the Orders of Government should be obeyed. Major Storey observed, that he conceived it an imperious duty to place him Colonel Innes in arrest for the safety of the garrison. In answer to which, Colonel Innes said, "place me in arrest, Sir! place me in arrest, Sir! I can place you in arrest, Sir, and all the officers of the garrison." Major Storey said, it was a very unpleasant duty, but the urgency of it was of that nature, that he could not avoid it. Major Storey, myself, and Lieutenant Stewart, retired; soon after which, sentries were placed over the quarters of Colonel Innes. I accompanied Major Storey to the barracks of the European Regiment; nothing could exceed the tumult there; the men were turned out and their officers were with them; they all seemed to crowd round Major Storey, as if they looked up to him for protection. Major Storey desired me to assemble the pay-serjeants of companies, which I did with some difficulty, the noise and tumult was so great. Major Storey addressed them to pacify and dismiss their men immediately, that he had assumed the command of the garrison. This communication had an instantaneous effect; every thing became tranquil; the men dispersed seemingly happy at what had taken place.

How long do you think I was, in endeavouring to persuade Colonel Innes to postpone the execution of the Orders of Government?—I think from about fifteen to twenty minutes.

Was I present at any of the meetings or committees that were held previously to my putting Col. Innes in arrest?—No.

Were you on the parade when I arrived in the garrison, and if so, what was the report you made to me?—I was on the parade in front of Capt. Andrews's house; I stated to Major Storey the message that Col. Innes had given me, and the effect it had upon the officers.

Did you not inform me, that the officers had fallen in, and that they were determined to oppose the embarkation; that unless Col. Innes would rescind the orders, there would be bloodshed?—Yes. I acquainted Major Storey that I thought it likely

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there might be bloodshed, as the officers had repaired to the barracks, and had determined to resist the Order.

Had not the men determined to abide by their officers?—Yes, unanimously.

Did not the Committee at Masulipatam exercise the whole military authority of the garrison, for some time previous to Brigadier Gen. Malcolm's leaving the garrison?—Yes.

Was not the Order of the 3d of August, for the troops to prepare for field service, issued by the Committee?—To the best of my belief it was, but I cannot swear positively to the question; the Committee had all the controuling power.

Did I not object to its being issued?—Yes; Major Storey did object to its being issued.

Judge Advocate:—When the conversation which you have detailed in Evidence took place, in what particular part of Colonel Innes's house were you?—I accompanied Major Storey, and in the course of the conversation with Colonel Innes, we walked about both halls together, and I think parted in the front verandah from Colonel Innes.

Did any of the conversation take place in the back verandah?—There is no back verandah to the house, it is a large house with two halls and a front verandah.

Was the communication between the two halls open?—Yes, both doors were open.

Did not Major Storey call Colonel Innes into what is considered the hall in the rear, on his first arrival at Colonel Innes's house?—No; Major Storey did not call Colonel Innes apart; we walked together through both halls; I think we first walked in the back hall.

Were you in a situation to hear the whole of the conversation which took place?—I was.

Had any number of officers assembled in the house?—None but us four.

Can you say whether Colonel Innes, by any expression, intimated to Major Storey that he ought to assist him in carrying the Orders of Government into effect?—I heard no such observation from Colonel Innes to Major Storey, or nothing to that purpose.

To your knowledge, did Major Storey adopt any other measure to allay the ferment in the fort, except that of placing Colonel Innes in arrest?—None to my recollection.

Question from the Court:—Did you belong to the Committee on the 25th of June?—I decline answering the question.

You have stated that Major Storey did not attend the meetings of any of the Committees; what is your cause of knowledge?—I attended from day to day at the mess-room, and had an opportunity of knowing who the corresponding Committee were; if Major Storey had attended, I must have seen him.

Did you know of any Note having been written on that day, the 25th June, to Major Storey by the Committee or any other person?—I cannot positively say from my own knowledge.

Did Major Storey, on his arrival in the garrison on the 25th of June, use his best endeavours to induce the officers to abstain from resistance to the Orders of Government, and to exact compliance with them from the troops under their command?—I do not recollect any Address to either the officers or men previously to his going to Colonel Innes's house.

Did Major Storey, after having placed Colonel Innes in arrest, endeavour to persuade the officers of the garrison to comply with the Orders of Government, relative to the men of the Madras European Regiment being embarked as marines?—I do not recollect; but I am certain, had such an attempt been made by Major Storey, he himself would have been placed under restraint.

Judge Advocate:—How many days previous to the 25th of June, had the men of the regiment been warned for the marine service?—To the best of my recollection, the Order for the marine duty for a subaltern's detachment was given 1st June and subsequent to the first; the Orders for the other two detachments were issued by Colonel Innes.

Did the men of the regiment at any period before the 25th of June, express any dissatisfaction at being sent on marine duty, or request that a reference might be made on the subject?—I do not recollect any reference being made by the men on the subject; but I can speak to the best of my belief, from information that I from time to time received, that the men did not like being sent on that duty from the period when the first Order was issued.

The Court adjourns till 10 o'clock to-morrow morning.

Wednesday,

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Wednesday, the 17th day of January 1810.

THE Court met pursuant to adjournment.
Members all present.

Lieutenant and Adjutant *Nixon* is called into Court, and examined on his former oath; and the last question in his examination of yesterday being read over to him, he begs to alter his Answer to that Question as follows:—"I confine my answer to after the second Order for details (this is dated the 23d June.) I derived my information from the confidential non-commissioned; no representation was ever made to me, in writing or otherwise, complaining of it as a grievance by the details ordered on that duty."

Question from the Court:—Did you, as Adjutant of the regiment, make any address to the men on the 25th June, previous to Colonel Innes's arrest, and if so, what was the purport of it?—As Adjutant I made no address to the corps on the 25th June.

Did you in any capacity address the private men and non-commissioned officers, or any portion of them, either on the 24th or 25th June, and previous to Colonel Innes's arrest?—I did not; I had no communication with the men on the 24th. I had charge of a company in the corps, and after the message had been delivered to the officers, and seeing the universal effect that it had, I repaired to my company a little after the officers had done so, and told them of the intention of the officers of the garrison to resist the detachments embarking; upon which they declared to a man that they would not serve as marines, and that they would adhere to their officers with their lives.

Question from the Prisoner:—Do you mean to say that I, as one of the officers of the garrison, sanctioned this intention?—By no means; Major Storey was not in the Fort at the time the officers repaired to the barracks; nor was he present when the resolution was formed to resist the embarkation of the marines.

Question from the Court:—Was it not possible an officer, in addition to the number you have already mentioned, might have been in the verandah or back hall of Colonel Innes's house during any part of the conversation which passed between Major Storey and Colonel Innes at the time he was placed under arrest?—It is possible an officer might have been concealed in one of the bed rooms, but had he been in either the back hall or front verandah, I must have seen him.

Was it not possible, in so long a conversation as took place on that occasion between Colonel Innes and Major Storey, some expressions might have dropped from the latter, which were not remarked by you?—I do not conceive that any conversation which took place between Major Storey and Colonel Innes, could have escaped my attention.

Question from the Prisoner:—During any part of my conference with Lieutenant Colonel Innes, did I address him in any language in the least degree audacious and disrespectful?—I conceive Major Storey's language to Colonel Innes, to have been uncommonly respectful.

During the conference I had with Colonel Innes, did I accuse him of sending false reports to Government and the Commander in Chief, against the Quarter-master of the Madras European Regiment?—Major Storey did not; he was accused of that by another officer present.

Question from the Court:—You have stated the precise words Colonel Innes made use of when Major Storey acquainted him he must place him in arrest; can you with equal precision state the words Major Storey used in reply to that remark?—Major Storey, to the best of my recollection said, it was a very unpleasant duty, but the urgency of it was of that nature that he could not avoid it.

Did Major Storey give any authority from any person or persons for so doing?—I do not recollect that he did at that time.

Question from the Prisoner:—Did I, during the period I was in Colonel Innes's house, remark that I was assured of the support of the Madras Army?—I do not recollect any observation of that sort from Major Storey.

It appearing to the Court, that there is a difference between the evidence given by Lieutenant Colonel Innes, Lieutenant Cecil, and Lieutenat Nixon, they

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have resolved to call on Lieutenant Cecil, and put the following Questions; Lieutenant Cecil is accordingly called in.

Question from the Court:—Were you present in Colonel Innes's house on the 25th June, when Major Storey placed him under arrest?—I was in the back hall.

What officers were in the house at that time?—A part of the time, I was there, and there was at least 10 or 12, more or less.

Judge Advocate:—Be pleased to mention some of their names.—Lieutenant and Adjutant Nixon.; Lieutenant Stewart of the 24th Regiment, and Captain D. Forbes. When I was at the threshold of the door, I saw those officers, but Mr. Nixon face to face.

You state you were in the back hall, how did you get there?—There is a flight of steps at each side of the house, accordingly I went up in the rear of the house. I however passed through the house as Colonel Innes followed the officers down stairs; he spoke I think collectively to the whole of the body of the officers as they went down stairs, that they should answer with their lives for what they had done.

Were you in a situation to have been seen by Lieutenant and Adjutant Nixon, during any period of the conversation between Colonel Innes and Major Storey, if so, state where you were?—At the threshold of the door; and Lieutenant and Adjutant Nixon, as I conceived, looked at me in the face.

Where were Colonel Innes and Major Storey standing, when that part of the conversation took place which you overheard?—In the centre of the hall, near the table, to my best recollection.

Was this previous to or after you met Lieutenant Nixon face to face?—I rather think after, but about the same time.

Did you hear Major Storey say, he was called on by the officers of the Garrison to place him Lieutenant Colonel Innes in arrest, or words to that effect?—I did.

Did you hear any other expressions from Major Storey at the same time?—I did not, because I was endeavouring to attend to Colonel Innes's answer. And I think the Colonel's answer was, that it was his Major Storey's imperious duty to have assisted him.

Did you hear any conversation pass between Lieutenant Colonel Innes and Lieutenant Nixon, if so, what was it?—No regular conversation; I heard a reply from Lieutenant Nixon to Colonel Innes, which was, "I beg Sir you won't charge me with that."

Question from the Prisoner:—When you heard Colonel Innes say, he would not acknowledge the arrest, where was I?—In the front hall.

Question to Lieutenant Nixon:—Had you any conversation, of the nature stated by Lieutenant Cecil, with Lieutenant Colonel Innes, at any time during the period Major Storey was in the house?—Colonel Innes referred Major Storey to me as Adjutant, whether he had given any orders for the Corps being under arms; and Colonel Innes charged me with having acted contrary to orders, which I denied.

Question to Lieutenant Cecil:—Was any person not belonging to the garrison present during any part of the conversation between Colonel Innes and Major Storey?—There were two Naval officers (I understood from the Piedmontaise) in the hall, one of them sitting on the edge of a table with a telescope in his hand.

Lieutenant *Cecil* retires, and Lieutenant Colonel *Innes* is called into Court, and examined as follows:

Lieutenant Colonel *Innes*,

Lieutenant Nixon has stated before the Court, that during any part of the conversation between you and Major Storey on the 25th June, there was no person present in either the back or front hall of your house, except yourself, Major Storey, Lieutenant Stewart, and himself; can you declare that you saw any other, if so, be pleased to name them?—There were three Naval gentlemen and several officers in the hall, at the time Major Storey called me into the back verandah. The centre door in the hall going into the back verandah was shut when Major Storey called me into the back verandah to speak to me. Captain Kelly of the 1st battalion 19th Regiment, and Lieutenant Spankie of the regiment, as well as others, were in the hall when we left it.

Did Lieutenants Nixon and Steward accompany you and Major Storey to the back

back verandah, or were you alone for any space of time?—I have no recollection of having seen them.

Previous to Major Storey's telling you that he was called upon by the officers to place you in arrest, did any conversation pass between you and Lieutenant Nixon, if so, state what it was, and in what place you were, when it took place?—I had no conversation with Lieutenant Nixon, at the time Major Storey was with me.

During any part of your conversation with Major Storey, did you refer Major Storey to Lieutenant Nixon, (he being present) as to whether you gave orders for the troops being under arms?—I do not recollect having done so.

Did you observe whether Mr. Cecil was in any part of the house at any time when Major Storey was in your house on that day?—I do not recollect seeing him.

Question from the Prisoner:—Did Mr. Cecil call upon you the first time, previous to my placing you under arrest?—I have already said, that he called on me once before I was placed under arrest, but what became of him afterwards I know not.

Question from the Court:—At any period while Major Storey and Lieutenant Nixon were in your house, have you any recollection of the latter saying to you "I beg you will not charge me with that Sir," or words to that effect?—I do not recollect any thing of the kind, while Major Storey was in the house. I taxed them all with sedition and mutiny.

Did that draw any reply from Lieutenant Nixon?—I don't recollect any thing of the kind.

Could it have occurred, and you not remarked it?—I should suppose not; it was an expression too pointed to escape either my notice or memory.

Who was the Officer that accused you of sending false reports?—I remember Mr. Spankie and Mr. Stewart having used expressions of that nature, as well as Major Storey, as I have before stated.

During the entire conversation with Major Storey, did you walk about the house with the Prisoner, Lieutenants Nixon and Stewart?—No; immediately after Major Storey and I concluded our conversation, we returned to the hall.

Was it not possible that Lieutenants Nixon and Stewart might have followed you into the back hall, and you have not noticed it?—They could not have been there without my seeing them.

After you returned to the hall with Major Storey, might not Lieutenant Cecil have been in the back verandah without your knowledge?—Certainly, because the centre door was shut, and I could not see what was behind that.

Question from the Prisoner:—Were you in the hall or back verandah when I placed you in arrest?—In the back verandah certainly.

Question from the Court:—Had you any conversation relative to the arrest with Major Storey after your return to the hall?—I do not remember having any.

Question from the Prisoner:—Did you tell Lieutenant Cecil and the Naval Officers to take notice of my conduct?—I said nothing to Mr. Cecil at the time; but I told the Naval Officers that it was probable I might have occasion hereafter to call on them to bear witness on what passed.

Lieutenant Colonel *Innes* retires, and at the request of Lieutenant Nixon, Captain *Kelly* is called into Court.

Question from the Court:—When Lieutenant Colonel Innes and Major Storey went into the back verandah of Colonel Innes's house on the 25th June, were you in the house?—I was not. The Witness retires.

Lieutenant *Spankie* is also called into Court.

Question from the Court:—When Lieutenant Colonel Innes and Major Storey went into the back verendah of Colonel Innes's house on the 25th of June, were you in the house?—I was not in the house when Major Storey was there during that day, the 25th. The Witness retires, as also Lieutenant Nixon.

Captain HARE of the 1st battalion 19th Regiment, a Witness on the part of the Defence, duly sworn.

The Charges are read.

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(2.) TRIAL of Major J. STOREY.

Question from the Prisoner:—Was there a Committee formed in the Garrison of Masulipatam previous to Brigadier General Malcolm's handing over the command to me, and did it exist at that time and afterwards?—There was a Committee formed during General Malcolm's command, and it existed at the time he delivered over the charge of the garrison to Major Storey, and for some time afterwards.

Did not that Committee exercise the whole military authority of the garrison?—It did, with the exception of the common duties of the garrison, with which the Committee did not interfere.

Was not the Order of the 3d August, for the troops to prepare for field service, issued by the Committee?—It was an act of the Committee, and issued under their authority.

Did I not by every means in my power oppose the issuing of that Order, and prevent its being carried into effect, and on all occasions condemn the measures in the strongest terms?—Major Storey in the Committee gave his vote against it as one of the Committee, and always expressed his entire disapprobation of any preparations being made for the movement of the troops; which I believe in a great measure prevented their march.

Did I not, as well in private as in public, condemn the measure?—Yes.

Judge Advocate:—Did Major Storey recognize the authority of that Committee?—I cannot say. Major Storey was a member of the Committee, and which Colonel Malcolm approved of.

When the Order of the 3d of August was issued, was it generally understood throughout the battalion that it did not proceed from Major Storey, but from a Committee?—I cannot say.

To your knowledge, did Major Storey inform the native officers and men of his battalion, that the orders for marching were contrary to his wishes, or take any steps to prevent that Order being obeyed?—I do not know.

Can you state with what views that Order was issued?—It was issued with an intention to march from Masulipatam, according as necessity might require.

When it was debated in the Committee whether the troops should march, was there any declared object in view to be obtained by their marching?—I cannot say what the declared object was; in a general point of view, it was to support our brother officers.

Against what power or authority was it intended to support your brother officers?—Against Sir George Barlow, to the best of my belief.

Was Major Storey made acquainted with the intention with which the troops were about to march?—I believe he was in the Committee made acquainted with it, but always opposed it, and did his utmost to prevent any march of the troops.

Question from the Prisoner:—Do you think my being a member of the Committee was the means of preserving order in the garrison, and ultimately, in a great measure, the cause of preventing the march of the troops; and do you not think that it was with this view that General Malcolm recommended me to become a member of it?—I certainly do.

The Court adjourned till 10 o'clock to-morrow morning.

Thursday, the 18th day of January 1810.

THE Court met pursuant to adjournment.

Members all present.

Captain *Hare* of the 19th Regiment, is called into Court, and examined on his former oath.

Question from the Court:—Was any Letter received from General Pater by the Committee or Major Storey, on or about the 3d of August; and if so, had that Letter any effect upon their resolution?—I cannot say, I don't remember.

To your knowledge was there no other cause for the march of the troops composing the Garrison of Masulipatam not taking place, besides the objections you have stated Major Storey to have made?—Certainly, the Letter to Lord Minto on the 7th of August.

When Major Storey, as senior officer of the garrison, found he had not sufficient influence in the Committee to prevent that Order being published, did he withdraw his name from the Committee, or did he still remain a member?—No.; Major Storey remained in the Committee, and did his utmost to prevent the march of the troops, or any preparations being made.

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(2.) TRIAL of Major J. STOREY.

Did the Committee issue Orders directly from themselves as a body, and cause them to be inserted in the orderly book of the garrison; or were their resolutions given to Major Storey, as Commandin Officer in the fort, to issue or carry into effect?—They were issued direct from the Committee, to the best of my knowledge.

Was not the camp equipage for the first battalion 19th Regiment, sent out of the fort and pitched, after the Order of the 3d of August for the corps to be in readiness for field service?—It was by order of the Committee.

By whom were the necessary indents for the camp equipage signed; or on whose order was it delivered?—I cannot positively say who signed the indent, or on whose order it was issued.

To your knowledge, did Major Storey send out his camp equipage with that of the corps, or at any other time subsequent to the Order of the 3d August or in any way make preparations for marching with the battalion?—To the best of my belief, he did not.

Were any battalion orders issued after the 3d of August by Major Storey relative to any detail that were to be left behind, or regarding any arrangements in that corps connected with its march?—I do not remember any Orders being issued.

The Witness retires.

Lieutenant COOK of the 19th Regiment N. I. a Witness on the part of the Defence, duly sworn.

The Charges are read.

Question from the Prisoner:—Were you at my house on the 7th August last?—I was.

State the conversation which passed between you and me on the morning of the 7th August.—On the morning of the 7th of August, I went to your house, and finding you not in your usual spirits, I enquired the cause, and was informed by you, that the Committee had determined to seize the Treasury, and to take the money therein; in the event of which, the troops composing the Garrison of Masulipatam, were determined to march on the following day; you then directed me to mount your horse, and ride into the fort, and desire any Members of the Committee that I should see, not to touch the Treasury, or take any money therefrom: which order I punctually obeyed. You told me that you would follow me into the fort as soon as possible in your palanqueen. I saw Captain D. Forbes, who I believe was a Member of the Committee, and told him what you desired me to relate.

Did I not at the same time remark, that if they seized the Treasury, it would be impossible to prevent their marching?—You did.

Question from the Court:—Did Major Storey state to you any reasons for wishing them not to march?—He stated no further particular reasons, except that it was not his wish, or by his order, that the troops should march.

The Witness retires.

Lieutenant and Adjutant SMITH, of the 1st battalion 19th Regiment N. I. a Witness on the part of the Defence, duly sworn.

The Charges are read.

Question from the Prisoner:—Was there not a Committee formed in Masulipatam, during the time Lieutenant Colonel Malcolm commanded; and when he delivered the command over to me, did it not exist, and afterwards?—Yes.

Did not that Committee exercise the whole military authority of the garrison?—In all material points.

Was not the Order of the 3d of August, for the troops to prepare for field service, issued by the Committee?—Yes.

Did I not by every means in my power oppose the issuing of that Order, and on all occasions condemn the measure in the strongest terms?—Yes, as far as I can judge.

Do you think my being a Member of the Committee was the means of preserving order in the garrison, and ultimately, in a great measure, the cause of preventing the march of the troops; and do you not think that it was with this view that General Malcolm recommended me to become a Member of it?—I certainly do think that Major Storey being a Member of the Committee, preserved order in

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the garrison, and prevented the troops marching; but as to General Malcolm, I cannot say.

Judge Advocate:—Were you present at the barracks of the 1st battalion 19th Regiment Native Infantry on the 25th of June?—I was at the barracks of the 1st battalion 19th Regiment, between three and four o'clock in the afternoon on the 25th June.

Did the men of the battalion fall in, if so, by whose order?—Some men had fallen in, but by whose order I can't say.

Did Major Storey go to the barracks of the battalion under his command, previous to his placing Colonel Innes in arrest on that day?—I had not an opportunity of knowing that he did, or did not.

Had he done so, must you, from your situation as Adjutant, have known it?—I was sent out by Captain Kelly to call in Major Storey, but not finding him, I returned, and met Major Storey, who told me he had put Colonel Innes in arrest.

Question from the Court:—What particular steps did Major Storey take, or what arguments did he make use of in the Committee to prevent the troops from marching?—He tried by every means in his power to induce us to lay aside all active steps, and wait the arrival of Lord Minto.

Were any Battalion Orders issued after the 3d August, by Major Storey, either in the orderly book or verbally, relative to any details to be left behind if the corps marched, or regarding any arrangements in the corps connected with its march?—Not any, to the best of my knowledge.

The Witness retires.

The Prisoner here gives into Court a Copy of a General Order, dated 20th July 1809.—It is read, admitted, and is as follows:

General Order, by the Right Honourable the Governor General in Council.

Fort William, July 20, 1809.

"THE Right honourable the Governor General in Council has received private but authentic advices, that Orders having been issued by Major General Gowdie, the Officer Commanding in Chief on the Coast, to Lieut. Colonel Innes, commanding at Masulipatam, directing the embarkation of one or more detachments of the Madras European Regiment on board His Majesty's ships, for the purpose of serving as Marines, the officers of the station were induced to entertain the erroneous supposition, that the object of those orders was to separate and finally to disperse that regiment, a design which the Government of Fort St. George has formally and solemnly disavowed; and, under the influence of this misapprehension, declared their resolution to resist the execution of them; that Lieutenant Colonel Innes having manifested a determination to enforce them, the officers of the garrison proceeded to the Barracks, and by personal representation succeeded in seducing the troops from their duty, and in obtaining from them a promise of support; that Major Storey, the next in command, who was then in the Cantonments, proceeded to the garrison; and having endeavoured, without success, to induce Lieutenant Colonel Innes to depart from the obligation of his public duty, by abandoning his resolution, to carry into effect the Orders which he had received, adopted the extreme measure of placing that Officer in arrest, under the charge of European sentries.—The Governor General in Council has deemed it necessary to apprize the Army of Bengal of an event so deeply interesting to the feelings of every loyal subject, and especially of those who have the honour to bear a military Commission. The Governor General in Council has received, with sentiments of the deepest affliction, the intelligence of the excesses into which the Officers of the Station of Masulipatam have thus been gradually led by the effects of the late prevailing agitation of the Coast Army. He trusts, however, that this unhappy event will afford a serious but salutary warning of the danger to which the combined interests of the Public, and the Army, must ever be exposed, by the first and slightest departure from the established principles of military discipline on one hand; and on the other, of a just subordination to the Laws of their Country, and to the legitimate Authority of the State. The occurrence of this afflicting event, combined with the agitation which unhappily prevails among the Officers of the Army of Fort St. George, renders it the duty of the Governor General to proceed without delay to that Presidency, in the hope of being enabled successfully to appeal to those sentiments of loyalty and attachment to their King and their Country, which his Lordship

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in Council yet confidently ascribes to the general body of the Officers of the Coast Army; whose zeal, fidelity, and professional achievements, have hitherto been the theme of just and unqualified applause; and by an accurate knowledge of all circumstances which have attended the late agitation, to devise such means as may best tend to avert the impending danger of anarchy and insubordination, and re-establish the foundation of public security and national prosperity in this important branch of the British Empire.

(Signed) "*N. B. Edmonstone*, Chief Sec. to Government."

Major *Storey* here states, that he has served the honourable Company near eighteen years; and he refers to many Members of the Court, that his Character, as an Officer and a Soldier, has never been impeached in any point of view during that period.

The Defence is here closed; and the Judge Advocate having stated his intention to reply,

The Court adjourns till ten o'clock to-morrow morning.

Friday, the 19th day of January 1810.

THE Court met pursuant to adjournment.

Members all present.

The Judge Advocate states in reply:

Major General Warde, and Gentlemen,

AS I should necessarily occupy a considerable portion of your time, were I to reply at large to the Prisoner's Defence, I shall confine myself to a few observations upon it. Your decision, at an early stage of these Proceedings, relative to the plea in bar founded upon the Amnesty granted by Major General Pater, was formed upon such sound and constitutional principles, that I can have little apprehension the well-arranged but superficial arguments offered to found a claim to exemption from an investigation by a Military Tribunal, will make any alteration in your sounder judgment, and I shall therefore pass over this part of the Defence without any further comment. I come now to consider the Defence of the overt act stated in the first Charge. It is not denied; but an attempt has been made to extenuate it, by tracing back to remote and insufficient causes the gradual and encreasing agitation of the garrison, from the 7th of May till the 25th of June, when Colonel Innes was placed under arrest. I do not wish to deprive the Prisoner of any benefit he may derive from his account of the transactions antecedent to the day on which he committed one of the most heinous offences in military law. It will be for you, Gentlemen, to decide whether a justification can be created out of the state of the garrison, or whether Major Storey was not bound to have tried some other means to bring the officers and men to a sense of their duty. I shall however lay down one ruling principle in British law, that no one, on the plea of good intentions, shall be allowed to justify what the law has condemned. Men with the best intentions sometimes do the worst acts; the law has therefore rejected this plea as to certain things, the commission of which, in a general point of view, would be pernicious to society. When an act is wrong on the face of it, the law will imply a bad intention. In treason, the act constitutes the guilt, and no justification can be admitted. Mutiny is placed on the same footing with treason, in so far, as no one should be allowed to join in it under any pretence whatever; and whether the resolution which Lieutenant Colonel Innes appears to have taken, was the most prudent one he could have adopted, under all the relations of the case, is not the question for the decision of the Court; perhaps some officers would have followed the same course which he pursued, whilst others, it may be, would have acted differently; but be this as it will, the orders issued by Lieutenant Colonel Innes were certainly such as he had a clear legal right to give, and such, I may add without hesitation, as were most consonant to military feelings. He insisted that his orders should be obeyed, and threatened to enforce them by calling in a party of marines from the ships; and it is immaterial whether there was or was not some danger to be apprehended from Colonel Innes having persisted in his plan of resorting to force, in order to ensure obedience to his orders; as it can never for one moment be admitted, that a subordinate officer shall rise upon his Superior, divest him of his authority, imprison, and degrade him in the eyes of his men, under the pretence, that he knows best how to command. No; wherever the law imposes a trust, it implies in the officer holding it, the necessary qualifications to discharge it.

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(2.) TRIAL of Major J. STOREY.

This is a presumption, against which no averment shall be taken; the brightest parts must be subservient to the meanest; the greatest endowments of wisdom, bravery, or virtue, must yield to the greatest deficiencies in all these points, where the law has vested the superiority. Nothing but insanity in the person of the Commanding Officer can justify his inferior in displacing him from his command. The Prisoner has not made out his case, and therefore the rule of law holds good against him. Having stated these general principles, I shall now advert to the Evidence. The Prisoner, it appears, was second in command of the garrison, and Commanding Officer of a battalion of Native Infantry; a report is brought him, that a violent ferment existed in the fort, occasioned by a determination on the part of the Officer commanding the garrison, to carry into effect the Orders of Government. He repaired to the fort, reached the parade of the Madras European Regiment, and hears the resolution of the officers to oppose at all extremities these orders; he forthwith waits upon the Commandant, and from the Evidence of his own Witnesses, we have been told, that he called upon his Superior Officer to suspend the execution of the Orders of the Government, to appease a tumult; no offer of assistance to use his exertions in conjunction with Lieutenant Colonel Innes, either by appealing to the good sense and loyalty of the troops, or by shewing to both officers and men, the united disapprobation of both senior officers at their conduct, was in the first instance resorted to by the Prisoner; on the contrary, he does not hesitate to countenance the proceedings, by telling his Superior Officer, that the Orders for embarking the marines, must be rescinded before good order can be restored. The gratification of the passions of the garrison, appears to have been the Prisoner's object, but not one thought of the dreadful blow inflicted upon the discipline of the Army.—The Orders of Government, in the presence of an inflamed soldiery, were to be treated with contempt, the Articles of War disregarded, and the first principles of a military body trampled upon. A dangerous example has been set; and if the Prisoner be justified by your Sentence, in resorting to the extreme measure that he did, without making any previous attempt to allay the ferment, it will be incumbent on the Legislature to modify the Mutiny Act, that soldiers may find a latitude for that, which, by the express letter of the Law, none is now allowed. Major Storey has, in the commencement of his trial, stated the materiality of Lieutenant Colonel Malcolm's Evidence, and in his Defence lamented the absence of that officer; but I do not despair of satisfying this Court, that no essential benefit could have been derived from his Evidence.—It is to be observed, that on the 25th June, Major Storey began the Mutiny: he, by his own voluntary act, gave spirit, movement, and effect, to the discontents of the soldiers, by placing Colonel Innes in arrest: these discontents were at that moment the noisy clamours of a few soldiers, who, upon proper management, or firmness, might have been brought back to their duty.—But the moment Colonel Innes was made a prisoner, what was only discontent, became mutiny.—The charm that maintained discipline was broken; the men lost all respect for their officers, and the inferior officers for their Superior; and it may therefore be true, that Major Storey's own authority was enfeebled.—Colonel Malcolm might have proved that: but what then? Shall that be any excuse for him. It is known to all, that there is no longer authority of any sort in a mutinous army, and that mutineers are ready to cut the throats of their self-created leaders. It is, I believe, a principle in law, that a man shall not be allowed to avail himself of his own wrong: he shall not by his own crimes, in the first instance, bring himself into situations of embarrassment and restraint, and then set up as a justification that he was placed under circumstances where he could not follow his own free will. Why did he surrender the security which the law gave him in the first instance? Why travel out of the straight line of his duty? When he joined himself to those who resisted the orders of their Superior, what other could he expect, but a degradation of his own authority. Every man must abide by the consequences of his own act. The Law holds a man answerable, not only for his immediate act, but for all those consequences that naturally follow from it; and it is a sound and acknowledged maxim, that a man cannot bargain or condition with an illegal act, but he must at his peril take care how he puts himself in another man's hands. If this reasoning be correct, what would avail Colonel Malcolm's evidence: he would have proved, what other Witnesses have done, the existence of those Committees, and the degradation of the Prisoner's authority: this was only a consequence of Major Storey's original crime, and their existence and violence aggravate that crime, by shewing the many evils that flowed from it. If, then, Gentlemen, you are satisfied that the formation of the Committee arose out of the measures adopted on the 25th June, you will find no difficulty of laying at the Prisoner's door the guilt consequent upon the acts of the Committee; and whatever exertions he may

may have made to suppress the publication of the order alluded to in the second Charge, you cannot, I conceive, acquit him of all participation in the objects and views of the Committee, because, after it had been published, he remained a member, and the weight of his name as Senior Officer went forth to the troops as sanctioning their march. In times of danger to the State, it is not sufficient that a soldier shall lend only an opposing vote to avert the threatened evils, the Mutiny Act calls upon him to give information of any intention hostile to good order and military discipline, and to use his utmost endeavours to suppress all mutiny. But by the evidence before this Court, it has been established that the Prisoner did not give any intelligence to his Superior Officer, or make any exertion to counteract the impending ruin, except by a vote in a Committee of Officers, whom he allowed to govern in all affairs of importance. I shall not further dwell upon this point; but before I proceed to comment upon the Defence on the last Charge, I shall advert to a most extraordinary conclusion which the Prisoner has drawn, namely, that his conduct, which now constitutes a criminal charge, was formerly considered as expedient, and as deserving the recognition of Government. How does the fact, stripped of its borrowed ornaments, stand? Lieutenant Colonel Innes had been deposed, his authority resisted, and he was ignominiously kept a Prisoner in his house. The Government being anxious to avoid proceeding to extremities, sent up Lieutenant Colonel Malcolm to Masulipatam, to investigate fully into what had passed: he was permitted to assume the command; but it must be admitted that, if he sanctioned the formation of a Committee, his command was merely allowed, not implicitly acknowledged; and it is fair to presume, that Colonel Malcolm did not withhold from Government any information relative to the state of the garrison. If he did not, the point is easily solved why the Prisoner was silently permitted to retain the command as handed over to him: it could not be prevented; the same sentiments and the same troops remained in the garrison as had been there previous to Colonel Malcolm's arrival; and it is scarcely necessary to say, that they were in a state of decided hostility to the Government of the Country. How vain and futile, then, would have been Colonel Innes's re-appointment! In reply to the Defence on the last Charge, I shall beg leave to extend my former criticism; without any apprehension that those conversant in military feeling will either consider my remarks incorrect or austere. It professes to be a solemn Declaration of attachment to the King, the Country, and the Laws. The King had been insulted in the breach of his Laws, the Country wounded by the blow struck at its existence in the breach of those Laws, and the Laws themselves violated by the disregard paid to them. It states, that the Order of the 1st May had plunged the Army into a state of degradation, although the Subscribers to this Address well knew that my Lord Minto had sanctioned this very Order, and assured the Government of Madras of the support of the Supreme Government, in every measure which tended to uphold the dignity of the Government of Fort St. George; and as the Army of this Presidency continued to disregard the admonitions of the Supreme Government, and the Orders of the Madras Government, it was at length resolved to ascertain whether a decided opposition to the constituted Authorities was determined on; or whether the Army would secede from the course of proceedings they had been for some time pursuing: for this purpose a Test was proposed, leaving it optional to the officers either to sign it or retire from the performance of Military duties. This, then, is the act of treachery committed by the Madras Government towards a body of officers who had disobeyed its orders, and consequently placed themselves in a state of mutiny: but there is another strong feature in this Address. It proclaims conditions upon which these officers will return to order and regularity, although they were actuated by vindictive passions; a pledge is demanded of the Government to which they owe implicit obedience, and should it not be granted, the conclusion to be drawn is, that they would persevere in their hostility to that Government. Here we have a principle insisted on, which has never yet been admitted, that so long as men, who have placed themselves in a state of mutiny, shall retain their arms, no terms are to be made with them; fortunately, however, the return of the Hyderabad Force to a sense of the obedience and submission due to Government, caused an alteration in the minds of those who sanctioned this Paper; and as one of the material links in the great chain of combination became broke, this very garrison accepted the Test which a few days before was stigmatized as an act of treachery towards the officers of the Madras Army, and as an act which destroyed all confidence between them and the Government which had proposed it.

Gentlemen, I have confined my remarks to what I conceived the material points for your consideration; and I here close them, with the most perfect convic-

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tion, that you will administer the strictest justice between the Crown and the Prisoner.

(2.) TRIAL of Major J. STOREY.

The Prisoner gives in the following:

The Judge Advocate having insisted on the points of Evidence, to which General Malcolm would have deposed, I beg leave to state to the Court, that the evidence of that officer would have embraced other matters essential to my Defence; I therefore request, that my Trial be postponed till I have the benefit of General Malcolm's testimony.

The Court is cleared, to take into consideration the Prisoner's request to postpone his Trial, founded upon the Judge Advocate's reply; and it appearing to the Court, that at the commencement of the trial Major Storey waved the necessity for Colonel Malcolm's attendance, in case certain points were admitted, they were, and have been recorded on the Proceedings; but the Prisoner having adverted in the Defence to the benefit which he would derive, had Colonel Malcolm been present, the Judge Advocate had a right to argue that point; but in doing so, he has not introduced any new matter, the Court therefore cannot consent to postpone the Trial.

The Court is opened, and the above read to the Prisoner; at the same time the Judge Advocate informs the Prisoner, that if he conceives what he has said in the course of his reply relative to Colonel Malcolm, was of any material weight against his Defence, he would, (though not bound to do so) consent to strike it out; but the Prisoner declines the offer.

The Court having expressed a wish, that the Prisoner should be called upon to support by evidence the circumstance stated in his Defence, relative to his not having drawn up the Paper, the subject of the last Charge; and also, that his signing it prevented the troops from marching;—

Lieutenant *Spankie* is called into Court, and examined on his former oath.

Question from the Prisoner.—State what were the circumstances under which I was induced to sign the Letter mentioned in the third Charge?—Major Storey was induced to sign the Paper mentioned in the last Charge, to prevent the troops from marching, I believe these were his motives, and I know it had that effect.

Did I draw up that Letter?—Major Storey did not draw up that Letter. I heard another officer acknowledge that he drew it up.

The Proceedings are here closed, and the Court adjourns till Monday morning, at 10 o'clock.

Monday, the 22d day of January.

THE Court met pursuant to adjournment.

Members all present.

The Proceedings are read read over.

SENTENCE:

"THE Court are of opinion, that the Prisoner, Major *Storey*, is Guilty of the 1st Charge preferred against him; that he is Guilty of the first part of the 2d Charge; but not Guilty of issuing the Order, as alleged in the latter part of the 2d Charge; And the Court are also of opinion, that he is Guilty of the 3d Charge: all of which being in breach of the Articles of War, and subversive of good order and Military Discipline, they do sentence him the said Major *Storey* to be Cashiered."

(Signed) "*Henry Warde*, Major General, and President.
"*William Ormsby*, Deputy Judge Advocate."

The Court adjourns till Friday Morning, the 26th of January.

To Major General Gowdie, Commanding the Army in Chief, &c. &c. &c.

"Sir,

"I HAVE, at the unanimous request of the Court Martial, of which I am the President, the honour to present the following Address:

"The Court having performed the very painful but necessary part of its duty, in passing Sentence on the Prisoner, do, with the most profound respect and submission, from some facts which have come to their knowledge during the proceedings of this Trial,

Trial, and from many palliative circumstances in favour of the Prisoner, recommend him to your consideration, as not unworthy of your humane clemency and mercy; feeling every hope, that should such a very extraordinary and unprecedented forgiveness be granted to him, Major Storey would, from his well-attested uniform good conduct previous to the criminal transactions at Masulipatam, feel a most perfect and proper sense of such benign lenity, and might once again become a good and valuable officer to the honourable Company.

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" I have the honour to be, with very great respect, Sir,
" Your most obedient humble servant,
(Signed) " *Henry Warde*, Major General and President."

Wednesday, the 7th day of March 1810.

THE General Court Martial which assembled at Bangalore on the 1st day of November 1809, and continued by successive adjournments, and re-assembled on the 8th day of January 1810, is re-assembled this day by order of the Officer Commanding the Army in Chief. Members all present as on the latter day. And the Prisoner Major *Storey* being called into Court, he is informed, that there are certain Paragraphs in his Defence which are considered by the Officer Commanding the Army as improper; it is therefore, in the first instance, strongly recommended to him by the Court to consent to their being expunged.

The Prisoner gives in the following reply:

" Major General Warde, and Gentlemen,

" I entrusted my Defence entirely to a friend, on whose judgment I have the utmost reliance. That friend being no longer here, I cannot consent to expunge any part of my Defence; all of which he assured me was necessary to the vindication of my Character.

(Signed) " *J. Storey*, Major."

The Court is cleared, and having taken into consideration the passages in question, determine, that however improper they do, and have always deemed them, they cannot, in justice to the Prisoner, expunge from their Proceedings any part of the Prisoner's Defence, the whole of which he considers so material to his vindication.

The Court being opened, the above is read to the Prisoner, and the Court is again closed.

The Judge Advocate lays before the Court a Letter from the Commander in Chief, directing the revision of their Sentence; and the Judge Advocate having stated to the Court his opinion that it should form a number of their Proceedings, the Court accordingly authorize its insertion, in deference to that opinion. It is as follows:

To Lieutenant Ormsby, Deputy Judge Advocate.

" Sir,

" I HAVE received the orders of the Officer Commanding the Army, to return to you the Proceedings and Sentence of a General Court Martial on the trial of Major Storey, for the correction and revision of the Court. The Court has found Major Storey Guilty of the first Charge; Guilty of the second Charge, with a modification; and Guilty of the third Charge.

" The Officer Commanding the Army will confine his observations to the first and third Charge, of which the Prisoner stands simply and absolutely convicted. The first Charge is for the most distinct act of mutiny that can be committed. It was not a mere disobedience to the orders of a Superior; it did not consist in a menace, or disrespectful language and demeanor, but Major Storey has been declared guilty of seizing on the person of the Officer in Command, placing him in restraint, and usurping his authority. The Officer Commanding the Army has not discovered in the particulars of the case any ground for mitigation; but, on the contrary, conceives that this flagrant act of Mutiny is aggravated by several circumstances proved in evidence, or manifested on the face of the proceedings.

" The officers of the garrison were in a state of mutiny. They had not only refused to obey an Order issued by the Officer in Command of the Army, but had determined to resist its execution by open force, and had seduced the troops under their command to join them.

" This particular revolt of the Garrison of Masulipatam did not stand singly on its

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its own distinct ground, or pretended provocations, but was concerted with a general conspiracy of the Army against Government. Such was the nature of the Mutiny in which Major Storey has been convicted by the Court of participating, and of which he put himself at the head. He states himself to have done so, at the invitation of the revolted officers; and it is proper to consider the circumstances under which that call was made upon him.—A legal Order had been resisted; the Commanding Officer of the garrison had determined to do his duty by enforcing it; and Major Storey, to whom the mutineers applied for support, was next in command. What then was his duty in such a conjuncture? The Officer Commanding the Army cannot suppose that any military man will hesitate in answering, that he was bound, alike by his Commission and his Allegiance, to do his utmost in supporting the legal authority of his Commanding Officer, of the Commander in Chief, and of Government, and in opposing the Mutiny by authority and influence; or, if that should prove ineffectual, in subduing it by courage and exertion.

"Major Storey neglected, or violated every part of that duty. It is proved, by the clearest testimony of every Witness, that he took no steps, and made no attempt whatever to dissuade the garrison from their criminal designs. He did not approach the troops at their barracks, or at their several parades. He did not even apply himself to the battalion which he commanded; but left the influence, which his intimate connexion with that corps might have given him over their minds, wholly untried. He excuses this breach of a most sacred duty, upon a mere allegation of his own, and of some of the Witnesses, that the attempt would have been impracticable, or ineffectual.

"The Officer Commanding the Army is of opinion, that it ought to have been tried, and cannot acquiesce in the impracticability of an attempt that was not made: But if Major Storey could not successfully or safely endeavour to recal the troops from the shameful enterprize into which their officers were misleading them, the Officer Commanding the Army would have expected, that holding in abhorrence, as every officer ought, the monstrous proceeding he was invited to take the lead in, he would have endeavoured at least to dissuade the officers themselves. To this there could have been no obstacle, and if it failed there could have been no hazard in the attempt. Every witness has proved that he took no such step, but advanced at once, without hesitation or objection on his own part, to require of his Commanding Officer that he should desist from the execution of his orders, and on his persisting in the discharge of his duty, to arrest his person, depose him from his Command, and assume it himself.

"Other circumstances of great aggravation will be stated in the sequel; but the Officer Commanding the Army requests the Court to reconsider here, the nature and effect of the only motive, which the Prisoner has assigned for taking the lead in this Mutiny. His excuse is, that otherwise blood would have been shed. This being the single justification tendered by the Prisoner on the 1st Charge, the Officer Commanding the Army deems it his essential duty, to bring the nature and effect of that plea fully to the observation of the Court, before they finally sanction by their Sentence, a principle so extraordinary, and so fundamentally destructive of Military discipline and Civil subordination. The plea may be stated somewhat more clearly, in these words. That if any opposition was made to the Mutiny, it might occasion bloodshed; that if His Majesty's, or the honourable Company's faithful troops and servants should do their duty, and stand by Government, some individuals on either side might suffer in the contest; and from this fact, very doubtful even as a fact, but granted for the sake of argument, the Prisoner infers that he was justified in quitting his lawful standard, and joining that of the Mutineers. It is not even alleged by the Prisoner, or any of his witnesses, that if an open opposition had actually been made to the Mutiny, (as Lieutenant Colonel Innes, much to his honour, proposed,) that effort would have proved unsuccessful, more especially if Major Storey had himself, as his duty required, thrown into that scale, the weight of his own rank and personal exertions, instead of carrying it to the opposite side. The Prisoner has thought it enough to say, that the contest, like every active service rendered by a soldier to his Country, might have been attended with bloodshed.

"The Officer Commanding the Army is anxious therefore, that all the consequences of such a doctrine should be clearly perceived. If this exculpation be admitted, it must follow, that whenever a Mutiny, Revolt or Rebellion, requires the employment of force to put it down, the Public Cause must be deserted, lest the guilty party should come to blows with the loyal; and it becomes every man's duty

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to side with the revolt for the sake of peace and safety. As there can seldom be a Mutiny of any serious importance, which it might not require the exertion of some force to subdue, it would follow, that officers of the highest rank, ought in all cases to put themselves at the head of the domestic enemies of their Country, and give their aid and countenance to revolt and mutiny, instead of opposing those crimes to the last extremity. These are principles, which are not only false and absurd, but pregnant with such dangerous consequences, that the Officer Commanding the Army cannot express too strongly his solicitude, that they should receive no countenance from the Judgment of a Court Martial.

" On the 3d Charge, the Prisoner acknowledges the fact of his having signed the Paper. The Court has perused it, and can entertain no doubt of its seditious and criminal nature. It has accordingly pronounced the Prisoner Guilty of the Charge. He has attempted to justify or excuse this part of his conduct, by pleading that he gave his signature, in order to prevent the march of the troops from Masulipatam. The allegation of a particular motive, is in its nature seldom capable of proof; his motives can only be known to himself; and both the Court and the World must assign the intention which belongs to the quality of the action, and which the law attaches to it, with a careful exclusion of all pretext whatever. There is no crime, when detected and brought to public scrutiny, that would not claim impunity, and assume even the character of a virtue, if the judgment of those who are to pronounce on it, were to follow the Criminal's own account of his intentions and inducements.

" He must be judged by his actions; and this Prisoner cannot complain, at least if the true spirit and disposition of mind in which he committed these acknowledged and enormous crimes, if the *quo animo* be collected from the very tenor and language of his Defence, as addressed by himself to his Judges. The first striking feature of the Prisoner's Defence is, a systematic inculpation of Government on the chief points which the leaders of the general Mutiny have selected as the argument of their Manifestos. The invectives delivered at your bar against the local Government of Madras, and the Supreme Authorities of India, is even couched in language of studied insult; it is obviously calculated to promote disaffection against the persons now administering authority in this part of the Empire, and to impair the respect which is due, especially from an Army, to legal authority and Government in general. The Prisoner could derive no possible benefit from the indecent style of his Defence. It was enough for the exculpation which he has set up, to show, that a vehement agitation, and that an actual Mutiny existed in the garrison on the 25th June. He had no concern with the agitation of the Army at large. He had no occasion to justify the disorders which prevailed in that body; it was no ways conducive to his own interests at the bar of the Court, that he should step out of his own course to make a voluntary but passionate profession of sympathy with the disaffection of an Army in actual mutiny against the Government; but while this demeanor before the Court afforded no support to any valid plea in his Defence, it might minister to the passions, and cultivate the rancour of a disaffected party; and while it excluded him of necessity from the indulgence and clemency of Government, his pride might be gratified by a tone of defiance equally prejudicial to the Public Cause and his own.

" The character which is here ascribed to some portions of the Prisoner's Defence, is strongly confirmed by the laboured and declamatory style of the passages alluded to, which proves as well the deliberate as the malignant mind with which they were delivered.

" With regard to the third Charge, his Defence required only that he should assign such motive as he might think favourable to his cause, for signing a Manifesto of revolt. He has not been satisfied with this prudent course; but has chosen rather to bring the motive on which he rests his whole justification on the Charge, into question, than to forego the satisfaction of proclaiming his own concurrence in the sentiments, and approbation of the style, which distinguishes this seditious performance. The Officer Commanding the Army recommends it to the Court to peruse once more, with the attention it deserves, this scandalous Paper, in which its authors openly profess, with arms in their hands, to bargain for mere submission to the State, and obedience to their Military Superiors, and then to read the underscored passages of the Defence. If the Prisoner has not been restrained by his own danger, nor by the respect which he owed to a Court composed of honourable and loyal men, nor by the decency which the world looks for, in one placed in his awful and unhappy circumstances, from the language of revolt and defiance to legitimate authority, or from the avowal of his favour and adherence to the cause of disaffection, but has deliberately made the very Bar, at which he stood for his life and honour, a pulpit of sedition, and has

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stood up himself as the voluntary and officious apologist of revolt; the Officer Commanding the Army must ever think that more credit is due to such manifestations of intention and disposition, than to any assertion of better motives and inclinations which may accompany them; and that the Accused must be deemed to have committed his criminal actions with at least no better dispositions than he himself professes, after a period for reflection, and in a predicament which may be expected to produce a laudable change of sentiment and character in any mind capable of amendment or correction.

"On these grounds, the Officer Commanding the Army should feel that he was wanting in one of his most essential duties, if he did not remit the Proceedings on this trial to the serious reconsideration of the Court.

"The Officer Commanding the Army further desires me to acknowledge his receipt of the Letter addressed by the President of the Court, recommending Major Storey to his clemency. If this Sentence had been such as the law has pointed out for the offences of which the Prisoner is declared Guilty, the recommendation of the Court might justly have had great weight in his decision; but the sentiments already expressed, will satisfy the Court, that the Officer Commanding the Army cannot, without a departure from every notion he entertains of his public duty, consent to the remission of a Sentence, which he has already declared himself to consider as inadequate to the Crime.

(Signed) "*J. Leith*, Judge Advocate General."

"Fort St. George, 3d March 1810."

REVISED SENTENCE:

"THE Court having reconsidered the whole of the Evidence before them, adhere to their former Sentence."

(Signed) "*Henry Warde*, Major General, and President.
"*William Ormsby*, Deputy Judge Advocate."

The Court adjourn.

"Confirmed by me,

(Signed) "*Francis Gowdie*, Major General, commanding the Army in Chief."

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PROCEEDINGS of a General Court Martial, held at Bangalore, on the Trial of Lieutenant Colonel *John Doveton*, of the 8th Regiment Native Cavalry.—Published by Order of Government.—Fort St. George, printed at The Courier Press. 1810.

Friday, the 26th day of January 1810.

(3.) TRIAL of Lieut. Col. DOVETON.

THE General Court Martial, which assembled at Bangalore on the 1st day of November in the year of our Lord 1809, by virtue of a Warrant from Major General *Gowdie*, Commanding in Chief the Forces serving under the Presidency of Fort St. George; and continued by successive Adjournments; is re-assembled this day, agreeable to an Adjournment made on the 22d ultimo:—Present,

Major General WARDE, President.

Members.	Lt. Col. Strange, 7th Regt. N. I.	Lt. Col. Bowness, 25th Regt. N. I.
	- - Lang, 11th Regt. N. I.	- - Adams, H. M. 25th L. D.
	- - Webber, 7th Regt. N. I.	- - Fletcher, 21st Regt. N. I.
	- - Ogg, 15th Regt. N. I.	- - Clarges, H. M. 69th Regt.
	- - M'Leod, H. M. 69th Regt.	Major M'Leod, H. M. 59th Regt.
	- - Wilson, 5th Regt. N. I.	- - Colebrooke, 8th Regt. N. I.
	- - Skinner, H. M. 56th Regt.	- - Carden, H. M. 25th Regt.
	- - Lockhart, H. M. 30th Regt.	- - Grant, 24th Regt. N. I.

Members.

Lieutenant Colonel Fletcher resumes his seat on the present Trial.

Lieut. Colonel Strange is relieved by order of the Officer commanding the Army.

Lieutenant ORMSBY, Deputy Judge Advocate.

Lieutenant Colonel DOVETON, a prisoner, being brought into Court, the names of the President and Members composing the Court are first read over to him; and he is asked the Question,

Judge Advocate:—Do you object to any of the Members composing the Court, by which you are to be tried?—No.

The Court proceeds.

Lieutenant Colonel *John Doveton*, of the 8th Regiment Native Cavalry, and late commanding the detachment of troops serving at the frontier station of Jaulna, ordered in arrest by the Officer commanding the Army, on the following Charges:

CHARGE First.—" For conduct subversive of all good order and military discipline, and in breach of the Rules and Articles of War for the better government of the Company's Forces, by having, in violation of his duty, and the great trust reposed in him as commanding a most important and critically situated frontier station, shamefully abandoned the post committed to his charge, by moving his detachment from the station of Jaulna, on the 14th of August last, and with a mutinous and seditious design against the existing Government of Fort St. George."

Second.—" For having, previously to his march, used endeavours to stir up and excite the troops under his command, to join in a Mutiny and Sedition against the existing Government of Fort St. George."

Third.—" For having affixed his name to a mutinous and seditious Paper, styled " The Declaration;" expressive of the intentions with which the force had commenced their march."

" By order of Major General Gowdie, commanding the Army.

Fort St. George, 9th Oct. 1809. (Signed) " *T. H. S. Conway*, Adj. Gen. of the Army."

Judge Advocate:—How say you, Lieutenant Colonel *Doveton*, are you Guilty, or Not Guilty?—Not Guilty of any one of those Charges.

The Judge Advocate opens the Prosecution as follows:

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Major General Warde, and Gentlemen,

ALTHOUGH the Charges before the Court are almost sufficiently explicit, to render unnecessary any statement of the principal facts, for your consideration, I have thought it proper to preface the introduction of the evidence by comprising, in a few words, the more leading circumstances of the present case.

The troops stationed at Jaulna occupied a most important and interesting position, as being placed on the frontier of the provinces of our Ally, his Highness the Nizam; a frontier which was every day liable to be invaded by a most active and unfriendly disposed partizan, Meer Cawn, who, at the head of a large body of horse, was ready also to burst into the country of our other Ally, the Rajah of Berar, and lay it waste with fire and sword. The charge of such an important station as Jaulna was only to be confided to a vigilant, intelligent, and faithful officer; to an officer who would consider his duty to his country as paramount to all other feelings; such an officer it was believed was found in the person of the prisoner, Lieutenant Colonel Doveton; and his former services and general character certainly warranted the presumption: how far his subsequent conduct has equally done so, the further progress of the evidence will best shew. The force consisted of two regiments of cavalry, three battalions of infantry, a squadron of horse artillery, and a proportion of artillery. When the situation of this little army is reflected upon; advanced many hundred miles from the seat of Government; cut off in a manner from all communication with any other station; assigned the post of honour, in regard to the interests of its country; and detached as it were from the party feelings of the rest of the army; one would have supposed that the officers composing it must have been bent too much upon the great duties of their station, to find either inclination or leisure for the petty disputes of other garrisons. All feelings are naturally softened by distance of place and time; and the stronger emotions of the mind subdue the less. The tone of party spirit, from the distant Garrison of Masulipatam, might have been supposed to be blunted before it reached the station of Jaulna, and the minds of the officers too much occupied to attend to it. The points at issue before the Court relate to the actual march of the detachment from its station; and as the evidence can only be given to that, I shall now state the circumstances that attended it. The force at Jaulna, under a belief that the Government intended to employ, without loss of time, His Majesty's Troops against those of the Company, and not then apprized of the Hyderabad troops having signed the Test, quitted their post, and advanced towards Hyderabad on the 14th of August. Lieutenant Colonel Doveton is said to have harangued the troops on the evening of the 12th, paraded for that purpose; explained to them every act of Government, and demanded of them whether they would stand by him with their lives; to which they all replied in the affirmative, with loud acclamations. The Declaration or Manifesto which they drew up on this occasion is, no doubt, the most infamous Paper that has for ages appeared in the annals of English History. They assigned three causes of their movement; first, to prevent the effusion of human blood, in the apparent resolution of the Government of Fort St. George to proceed to extremities against its officers; secondly, to obtain a promise of the Governor, that he will abstain from public affairs, until the resolution of the Court of Directors shall be known; thirdly, to obtain a General Amnesty, and the restoration of all officers, civil and military, who have been suspended. But they disown any intention of interfering with the lawful Government, or his supposed advisers; which they conceive affords a proof of moderation unexampled. They conclude, that they are solemnly sworn to persevere till death, so held them God.—Signed J. Doveton, and by every officer in the Berar force.

On the 15th, however, when at Purtoor, thirty miles distant from their station, they received information of the submission of the Hyderabad force, and acquainting them at the same time, that their presence was now neither required nor wished for at Hyderabad. They therefore returned back to their station, which they reached on the 18th. Lieutenant Colonel Doveton, I understand, in one of his official Letters to the British Resident at Hyderabad, endeavours to justify his own conduct, by saying, that as the detachment were resolved on proceeding without him, he thought it advisable to accompany them, to prevent bloodshed; and that on hearing of the Test being subscribed at Hyderabad, he had with difficulty prevailed on them to return. Should this excuse be pleaded in the course of the defence, it will remain for you, Gentlemen, to decide, how far, agreeable to military law, it can be admitted. The Articles of War give no latitude to any person to join in a Mutiny or Sedition on any pretence; and it will be my duty

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to shew, that he headed the Mutiny, and joined in it cordially. The following copy of an intercepted Letter from the officers of the Jaulna force, addressed to Major Storey and his officers, after their return to their station, will shew the disposition and feelings of that body. " In consequence of the urgent entreaties " of the Hyderabad Committee, and information which we received of the late " transactions at the race-stand, the whole of the Jaulna force marched on the " 14th, and advanced to Purtoor, thirty miles distant, when we were made ac- " quainted with the defection of the officers at Hyderabad, who, to their eternal " disgrace, have signed an unconditional submission; comments on so foul an " act are unnecessary; the consequence has been, the return of the troops to " Jaulna, where we are, to a man, resolved either to obtain honourable terms, " or perish nobly in a cause, which must have succeeded, but for the dastardly " conduct of a few, who to save themselves, have sacrificed those whom they " were solemnly and sacredly pledged to support. We understand you are now " on your march, and take the earliest opportunity to make you acquainted with " the state of affairs, and our determination. You must now follow the dictates " of your own judgment; we shall remain at our post, defending the interests " of our Country, until the intentions of the Governor General is known." Camp, Jaulna 18th. I have detailed the contents of this Letter, because, in proving the first Charge, I shall have occasion to produce a Letter from the prisoner to the Officer commanding the Hyderabad subsidiary force, under date the 4th of September, acknowledging the march of the detachment, and making an avowal of the patriotism and loyalty of the officers under his command; but, contrasted with the above Address, it must be evident that the subscription of the officers to the Test was dictated, rather by the necessity of the moment, than a general sense of duty. The officers had, as you will perceive by their Declaration, known of the Test proposed by Government, that it had been rejected by those at Hyderabad, and they left their post after the receipt of this information; but counter intelligence defeated their projects; and in about three weeks after, when their cause was hopeless, they make a spontaneous offer of their determination to support the authority of the very Government, which, but for the return of the Hyderabad force to a sense of duty, they were resolved to make submit to the terms contained in their memorable Declaration. In this Letter, a hope is expressed, that as the public interests have not suffered by the two marches which the detachment made, the officers may be forgiven; but it must be apparent to this Court, that the actual injury which the public interests may or may not have sustained, cannot influence or guide the solemn decision now called for. It is a great military question, whether, under any pretence, a man invested with the military character, can be allowed to strike at the root of all subordination, by violating the trust reposed in the confidence of his obedience, and to disregard the Act of the Legislature, under which an Army is alone permitted to exist. Such, Gentlemen, are the features of the present Prosecution, which I have slightly delineated for your guidance. I shall now proceed to the examination of the evidences on the part of the Crown.

Lieutenant DELGAIRNS, of the 17th Regiment Native Infantry, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—You were, I believe, acting as Major of Brigade to Lieutenant Colonel Doveton in the months of July and August last?—Yes, I was.

Had the Tappall not arrived at Jaulna for some days early in August?—I believe there were some days Tappall due about that time.

Do you know whether Lieutenant Colonel Doveton expressed a determination, in case the Tappall did not arrive for two days more, that he would consider it to have been stopped by Government, and that he would march his detachment towards Hyderabad?—I do not.

Do you know whether Lieutenant Colonel Doveton had, about the 12th of August, a conference with any of the Native Officers of the detachment; if so, state the nature of it.—I know of none.

Were you present at a parade of the detachment on the evening of the 12th of August?—Yes, I was.

Be pleased to state the purport of Lieutenant Colonel Doveton's Address to the troops on that evening?—To the best of my recollection, Colonel Doveton stated, that in consequence of the violent conduct of the officers in general of

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the Army, that he was afraid one corps might be brought against another; and for the purpose of preventing a civil war ensuing, by one battalion fighting against another, he was to march at their head, to prevent any thing of the kind taking place; at the same time stated to them, that he did not expect to reach the Godavery, as Lord Minto was daily expected, and that he would put all things to right. He also particularly explained, several times, to the several corps, that he did not march against the Government of Fort St. George, but to prevent the effusion of blood.

Did Lieutenant Colonel Doveton express himself to each, or any of the corps, in words to this effect, "our cause is a just one, and God will support us?"—Not that I heard.

Subsequent to this parade, were any orders issued for the march of the detachment?—The prisoner, to save the time of the Court, admits that he did order the movement of the detachment, and that the detachment moved in consequence. He gives into Court a Copy of the Order, which is read and admitted, and is as follows:

"Camp at Jaulna, Sunday, 13th August 1809.

"D. O. The detachment will march to-morrow by the right, the General at "five, and assembly at six o'clock; the Pickets coming on duty will follow "immediately in the rear of the cavalry, and those coming off will form the "rear guard, under the officer of the day. The Park and Depot will move in the "rear of the line, covered by two companies from the rear battalion. Cavalry "led-horses are always to move on the baggage flank compact, and under the "charge of a Native commissioned officer, those of the Horse Artillery under "the charge of a non-commissioned officer; a Havildar's Guard is to be left from "each battalion of Infantry, in order to protect the houses of the officers and "Sepoys until the return of the detachment; and as the Commanding Officer en-"tertains the most sanguine hopes that this will soon be the case, he requests "that commanding officers of corps will explain to their men his wishes, that "no huts either among the Sepoys' place of residence, or among those of the fol-"lowers or Bazars, may be set on fire."

Judge Advocate:—For what reason did the detachment return to Jaulna?—Lieutenant Colonel Doveton told the troops, that the Hyderabad people had returned to their duty, and every thing would be settled, and he was determined to march them back to Jaulna, and that Lord Minto was expected to arrive immediately.

If the Hyderabad Force had not signed the Test, was it not Lieutenant Colonel Doveton's intention to have formed a junction with it?—I do not recollect that I ever heard Lieutenant Colonel Doveton express any intention of forming a junction with the Hyderabad force.

Have you any reason to know that the prisoner was aware that a Committee of Officers existed in the detachment under his command?—I believe, latterly, Lieutenant Colonel Doveton did know that the officers did assemble and correspond with other parts of the Army.

Did he sanction the assembly of these officers?—Not that I know of.

Question from the Prisoner:—When I consented to the march of the detachment from Jaulna, were not the officers there perfectly acquainted with the seizure of Colonel Close's person?—Yes, they were.

Have you not reason to know that if I had not consented to the march of the detachment from Jaulna when I did, my person would have been placed under restraint?—Yes, the officers had come to that resolution.

In this case, would I have been permitted to communicate with the troops personally?—Certainly not.

Under these circumstances, would not the officers at Jaulna have immediately marched the detachment from thence, and joined their confederates at Secunderabad?—I conceive they certainly would; they had come to that resolution.

Question from the Court:—Did Lieutenant Colonel Doveton explain to the corps against whom he intended to march, and by what means he proposed to endeavour to prevent the effusion of blood?—I never heard Colonel Doveton say he was to join any force. I do not recollect that he gave any reason at the time.

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Did Lieutenant Colonel Doveton take any steps to suppress the irregular meetings of the officers?—I really can't say.

Previous or subsequent to the march of the detachment from Jaulna, was any communication made to the force at Secunderabad of the intentions of that movement, either from Colonel Doveton direct, or through you as his Staff, or by any other person with Colonel Doveton's sanction or knowledge?—None, that I know of.

Was a communication made relative to the movement to any person or persons at Secunderabad?—I understood from Colonel Doveton that he had reported the march of the detachment to Captain Sydenham, Resident at Hyderabad.

You have stated, that Colonel Doveton repeatedly told the detachment under his command, that he was not going to march against the Government of Fort St. George; did he at the same time express any intentions of supporting that Government, or that he was about to march by their Orders?—No, he did not express any thing of the kind, that I heard.

Were the resolutions of the Committee ever made known to Colonel Doveton?—The commanding officers waited upon Colonel Doveton to call upon him to march the detachment frequently.

Did they ever express a wish to Colonel Doveton that he should march the force under his command to Secunderabad?—Yes, I believe they did frequently, and that Colonel Doveton prevented the march of the detachment till the 14th.

Did they ever inform Colonel Doveton that they maintained a correspondence with the force at Secunderabad?—When they waited upon Colonel Doveton I believe they shewed him the Letters they had from Secunderabad, calling upon the detachment to march.

Question from the Prisoner:—Do you not know that I regularly reported the circumstances you have now mentioned, both to the Resident at Hyderabad, and Commanding Officer of the subsidiary force, for the information of Government?—Yes, I do.

Judge Advocate:—Do you know whether on the 15th of August, a light detachment, consisting of the Horse Artillery and flank companies, were directed to be prepared to move in advance, and make rapid marched towards Hyderabad?—Yes, there was a detachment moved on as far as Purtoor, one march.

Was Lieutenant Colonel Doveton acquainted with the destination of that detachment?—Lieutenant Colonel Doveton marched with them.

Was it understood that their destination was Hyderabad?—It was generally supposed that the destination was Hyderabad; but Colonel Doveton never said it was, or expressed himself to that purpose, that I recollect.

Question from the Prisoner:—Was it not well known in the detachment that I possessed much more influence over the corps that composed the light detachment, than over those of any other in the force?—Yes, it was generally known by the officers, and through the detachment.

Question from the Court:—Were the reports made by Lieutenant Colonel Doveton to the Resident and Commanding Officer of the Hyderabad force known to the commanding officers of corps, or not?—Some of them I believe were.

Did any officer or officers, under the rank of Commanding Officers, ever wait on, or form part of a deputation to report the opinions or wishes of the force to Lieutenant Colonel Doveton?—Yes, I believe they have.

The Witness retires.

Lieutenant BELL, of the 8th Regiment Native Cavalry, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—Did the 8th Regiment of Native Cavalry form a part of the detachment under the command of Lieutenant Colonel Doveton in the month of August last, and were you present with it?—It did, and I was present.

Have you any reason to know that Lieutenant Colonel Doveton was aware that a Committee of Officers existed in the detachment under his com-

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mand?—I have reason to believe that he did know that a Committee existed in the detachment.

Did he know for what object that Committee had been formed?—I do not know.

Have you any reason to know that Lieutenant Colonel Doveton was made acquainted with the proceedings of the Committee, or that the resolutions formed by the Committee were communicated to him?—The resolutions of the Committee, with respect to the intended movement of a part of the Jaulna force, were made known to Colonel Doveton.

Had not previous resolutions been communicated to him?—Not that I know of.

Did you never, in a Letter addressed by you on the 1st of August to the officers of the 3d and 7th Regiment of Cavalry, say, "that the Officer commanding the force is fully apprized of our proceedings, and his conduct has given general satisfaction?"—I did so.

You have stated that no resolutions previous to that, relative to the march of the detachment, were made known to Colonel Doveton; how could he be fully apprized of your proceedings so far back as the 1st of August, unless some communications on the subject had been made to him?—Because it was previous to the 1st of August that the resolution was made known.

Was Colonel Doveton apprized of the intentions of this Committee of Officers?—To a certain extent he was.

Was not some intelligence received from Hyderabad, about the 12th of August, which induced Colonel Doveton to move the detachment under his command?—About that time, I do not recollect the date, intelligence was received from Madras or Hyderabad, which would have determined the officers of the force to march, even in defiance of Colonel Doveton's authority.

Were you present on a parade of the detachment on the evening of the 12th of August; if so, state the nature of the Address made by Lieutenant Colonel Doveton to the troops under his command.—I was present; the Address was delivered in the Moorish language, in which I am not conversant; but I recollect that Lieutenant Colonel Doveton apparently addressing himself to the European officers, said in English, "remember, I do not march against the Government."

Did Lieutenant Colonel Doveton explain to the corps against whom, or to join whom he intended to march?—The Address was in the Moorish language; I do not understand it.

Did he ever explain to the officers, or did the officers inform him, against whom or to join whom the march was made?—The officers acquainted him that it was their intention to proceed to Hyderabad; I do not know whether they acquainted him in a body. I acquainted him for one.

Question from the Prisoner:—Whether the officers at Jaulna did not proceed to such lengths, as at one time to hold a party of the Horse Artillery ready to seize my person; and whether, on the last occasion, when I issued the order for the march of the detachment, they had not previously presumed to give orders to the officer on general duty to be ready with his Picket, to march down to my Quarters and seize my person, had I not consented to the march?—To the first part of the question I can speak positively, yes; with respect to the latter, I can declare that I saw a Letter under the officer's hand, in which he stated that he had received such instructions.

Question from the Court:—Did Lieutenant Colonel Doveton in any way sanction or approve of the meetings of the officers, or was he, to your knowledge, ever present at any of those meetings?—He never sanctioned them, neither was he ever present.

Had not Lieutenant Colonel Doveton to your knowledge considerable influence over the detachment which marched to Purtoor?—From the nature of the detachment, it was likely that Colonel Doveton would have more than if the whole had been assembled and collected together.

Did he use that influence, by endeavouring to persuade the detachment not to march and to return to their duty?—Yes, he did.

Question from the Prisoner:—Did I not use my influence over the men of the corps composing this detachment, and lead them back to their duty and station, contrary to the sentiment of every European officer of the detachment, my own Staff excepted?—You did.

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The Witnes retires; and it being near three o'clock, the Court adjourns till ten o'clock to-morrow morning.

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of
Lieut. Col.
DOVETON

Saturday, the 27th day of January 1810.

THE Court met pursuant to adjournment.
Members all present as on yesterday.

Captain EDMONDS, Quartermaster of Brigade to the detachment in Berar, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—You are, I believe, Quartermaster to the detachment in Berar, and were present with it in the month of August last?—Yes.

To your knowledge, had Lieutenant Colonel Doveton a conference with any confidential Native Officers on or about the 12th of August last; if so, state the purport of it.—It came to my knowledge that Colonel Doveton had a conference with some Native Officers; but as I was not present at that conference, I cannot speak as to the purport of it.

Did Lieutenant Colonel Doveton give you any intimation of the nature of the conference he had with those Native Officers?—No, never.

Were you present at a parade of the detachment on the evening of the 12th of August last?—I was.

Be so good as to state what passed on that parade?—Colonel Doveton addressed the troops, respecting an intended march which he was about to make; he also told them the object of the march, which was, that considerable agitation prevailed among some of the Company's officers and troops at several stations; and mentioned particularly that those officers had taken possession of the Forts of Masulipatam and Seringapatam. He also mentioned the circumstance of Colonel Close having been seized and sent off from Hyderabad; and, in consequence of these circumstances, he was much afraid that some contest might ensue, and that a civil war might follow. In order to prevent which, and the unnatural effusion of blood, he had determined to march with the detachment, with the strongest assurance, that their presence and his would be the means of preventing it. He also repeatedly called to their recollection, that they were not going with any hostile intentions to the Government, and at the same time expressed to them his hope, that he would have the pleasure of soon leading them back again to their station. The cops were then dismissed by their respective commanding officers.

Do you know in what manner Colonel Doveton meant to prevent the effusion of blood?—No, I do not.

Did the prisoner explain to the troops under his command, whether he was about to march for the purpose of supporting Government, or the officers of the Company's Army?—No, he did not.

As you were one of his immediate Staff, can you say with what intention he marched?—No, I cannot.

Did you ever hear Colonel Doveton express any intention or opinion on the subject?—No, I don't recollect that I did.

Did not Lieutenant Colonel Doveton receive intelligence, or was none communicated from Secunderabad, about the 11th of August, which induced him to march from Jaulna?—There was none communicated to him from Hyderabad, to the best of my knowledge.

About the 12th of August, did any officer arrive from Secunderabad at Jaulna?—Yes, an officer arrived from Hyderabad, to the best of my recollection, when the detachment was on its return to Jaulna.

Colonel Doveton had previous to the 12th of August been requested to march his detachment to Hyderabad, and objected to do so; can you state what induced him to adopt that measure on the 12th?—He was induced to make the resolution on that day, as I believe he conceived it would be impossible to prevent the officers of the detachment making the attempt of marching the detachment without him, or quitting camp in a body, in case they did not succeed.

You have stated that Lieutenant Colonel Doveton informed the troops, that Colonel Close had been seized and sent from Hyderabad; can you say from whence he derived that intelligence?—No, I cannot.

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Do you know whether Lieutenant Colonel Doveton was aware that Colonel Close's authority had been resisted in the attempt to carry the orders of Government into effect?—He was aware when he addressed the troops.

Did he explain to the detachment under his command, that Colonel Close had been seized and sent off from Hyderabad, because he attempted to carry the orders of Government into effect?—No.

Had not Lieutenant Colonel Doveton considerable influence over the two corps of Cavalry under his command?—I don't know.

Did you ever hear Lieutenant Colonel Doveton address the troops under his command, and call upon them to assist him in supporting the orders of Government?—No.

Did you ever hear Lieutenant Colonel Doveton attempt to dissuade the troops under his command from marching from Jaulna?—No, I don't recollect.

What was the cause of the return of the detachment to Jaulna?—Colonel Doveton conceived, I believe, that the officers and troops at the different stations, where agitations previously had prevailed among them, had returned to their allegiance to the Government.

Can you say whether Lieutenant Colonel Doveton marched for the purpose of enforcing a return to allegiance on the part of those officers, among whom agitations had prevailed, or for the purpose of assisting those officers, in case Government had adopted any measures to ensure obedience to their Orders?—No, I cannot say.

Do you not know that if the Test had not been signed at Hyderabad, that it was Lieutenant Colonel Doveton's intention to have made rapid marches to that place?—Lieutenant Colonel Doveton never communicated his intentions to me; I cannot say what they were respecting the marches he was about to make.

Will you be good enough to state what reasons Lieutenant Colonel Doveton assigned to the troops for leading them back to Jaulna?—He stated to the troops on the morning of our return, that he was happy to tell them that all the late troubles in the Company's country were settled, and that he had the pleasure to say he meant to lead them back to Jaulna.

Do you recollect that he said to the troops "that it would be only leading them to destruction if he proceeded, as the Test had been signed at Hyderabad," or words to that effect?—I don't recollect any words to that effect.

Question from the Prisoner:—When I consented to the march of the detachment from Jaulna, were not all officers there perfectly acquainted with the result of Colonel Close's attempt to separate the troops from their officers?—I have not the least doubt that every European officer in camp was acquainted with the circumstance.

Have you not reason to know, that if I had not consented to the march of the detachment from Jaulna when I did, my person would have been placed under restraint by the officers of my own detachment?—Yes, I had reasons to know it, and those reasons, I believe, I communicated to Lieutenant Colonel Doveton.

In this case, would I have been permitted to communicate with the troops personally?—I have every reason to believe that any attempt of the kind would have been resisted by the European officers.

Under these circumstances, would not the officers at Jaulna have immediately marched the detachment from thence, and joined their confederates at Secunderabad?—I firmly believe they would have made the attempt; and I have no doubt the greater part of the detachment would have obeyed their orders.

Did you not report to me, on the evening of the 13th of August, that the Europeans composing the corps of Horse Artillery in my detachment, had sent a deputation, through their Serjeant Major, to the Commanding Officer of that corps, declaring that they would not allow their officers to be separated from them, but would sacrifice their lives in their defence, if any attempt of the kind was made?—I did make that report to Lieutenant Colonel Doveton.

If I had explained to the troops that Colonel Close had been seized in attempting to carry the orders of Government into execution, have you not reason to know I would myself have been immediately seized on the parade by the officers?—I have reason to believe that they would, from the declarations of many of the officers in camp frequently expressed to me.

Have I not frequently mentioned to you, in moments of confidential, friendly, and unreserved communication, that if ever I was necessitated to march with the detachment,

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detachment, as the least evil that might present itself, that I should do so with the view of retaining my influence over and restraining the violence of the officers?—Yes, you have frequently.

Question from the Court:—As you were in a situation of confidence with Colonel Doveton, did you ever hear him on any occasion give any opinion with respect to the acts of resistance openly made by the Army to the Government?—I have frequently heard Colonel Doveton express his utmost disapprobation of the violent measures which had lately been adopted by the officers of the Army.

Was not a Committee of Officers formed in the detachment, under the command of Lieutenant Colonel Doveton, for the purpose of corresponding with the officers at other stations?—I believe there was.

Did Lieutenant Colonel Doveton use his endeavours to suppress that Committee?—No, not that I know of.

To your knowledge, would the Native troops under Lieutenant Colonel Doveton's command have supported their officers in placing him in arrest?—I have reasons to know it from communications made by the European Officers of the Native troops, who have often told me that the commissioned Native Officers and men had frequently declared themselves always ready to support them.

It appears that the influence Lieutenant Colonel Doveton possessed with the Native Officers and men of the detachment, had been successfully employed in inducing them to march back to Jaulna, contrary to the wishes of the European officers, can you say whether an exertion of that influence might not have produced the effect of preventing the march of the detachment from Jaulna?—No, I do not think it would; for I believe that at Jaulna, previous to the march, the European officers would have exerted their influence with the troops to have opposed such an attempt; but on Colonel Doveton's informing the troops that he would lead them back to Jaulna, there was no attempt of the kind made by the European officers.

Is it not very usual for a Commanding Officer to assemble the Native Officers of his corps, to explain orders connected with its interior arrangements, and regarding their families when about to march?—Never to my knowledge; but communications of that nature I have always known to have been made by the European Adjutant to the Native Adjutant of the corps.

Had not the Commanding Officer of the detachment at Jaulna a discretionary power to move that detachment for the convenience of obtaining forage, or for any other purpose, as in his judgment might be requisite?—I believe he had authority to move part of the detachment, but to what extent I can't say.

Question from the Prisoner:—Have I never read or mentioned to you the authority which I had from the Right honourable the Governor General in Council, to move any part or the whole of the Jaulna force, of my own proper authority, without reference even to the Resident at Hyderabad, in all such cases as I should deem emergencies, that would not admit of such a reference?—You have mentioned to me, as well as I recollect, that you had the authority of the Right honourable the Governor General, to move any part of the detachment whenever you thought proper, without a reference to the Resident at Hyderabad, if time would not admit of such a reference being made.

Judge Advocate:—Do you know whether Lieutenant Colonel Doveton had not received some specific orders relative to the movement of any part of his detachment, some time about the period of the charges from the Resident at Hyderabad?—Yes, I know that he had.

Can you state what they were?—That if Colonel Doveton found it impracticable to prevent the officers from marching the detachment or any part of it, in consequence of any further requisition from the officers at Hyderabad, he should certainly, by all means, accompany the detachment.

The Witness retires.

Captain Lieutenant *Poignand*, of the Horse Artillery, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—Were you in command of the Horse Artillery, which formed a part of the detachment under the command of Lieutenant Colonel Doveton in the month of August last?—I was.

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Had the Tappall from Hyderabad not arrived at Jaulna for some days early in the month of August?—Several days from Madras.

Do you know whether Lieutenant Colonel Doveton expressd a determination, in case the Tappall did not arrive for two days more, that he should consider it to have been stopped by Government, and act accordingly?—I do not recollect Colonel Doveton saying so.

Can you bring to your recollection your having made a communication of the above nature in writing to any of your correspondents?—I cannot positively say that I did.

Do you know whether Lieutenant Colonel Doveton had, about the 12th of August, a conference with any of the Native Officers of the detachment; if so, state the nature of it.—Yes, I believe about that time Colonel Doveton had; I do not know the nature of it.

Had not Colonel Doveton pledged himself to put himself at the head of the detachment in case it marched towards Hyderadad?—Colonel Doveton said that he would to prevent a civil war, and upon no other account.

Did you understand in what manner he was to prevent a civil war?—No.

Were you present at a parade of the detachment on the evening of the 12th of August?—I was, I believe it was the 12th.

Did Colonel Doveton address the men under your command; if so, state what he said.—Yes, he did; I think he first said, that accounts had been received of what had taken place at the race-course at Madras, and that he had agreed to march at the head of the force towards Hyderabad, to prevent, if possible, one portion of the Army being arrayed against the other; that he was not taking them to fight, but in the hopes of being able to avert a civil war and an effusion of blood.

Did he, to the best of your recollections, conclude his Address, by saying, "our cause is a good one, and God will support us?."—I did not hear it; I must have heard it had it been made use of; I was close to him.

Judge Advocate:—As the Witness's evidence varies materially from what he stated in a Letter, wrote by him on the 12th of August last, I think it my duty to shew that Letter to the Witness, in order that he may have an opportunity of refreshing his memory, and correcting his evidence, or reconciling his evidence with that Letter.

The Letter is shewn to the Witness and his evidence read over.

He corrects his evidence, by saying that Colonel Doveton was asked, if the Tappall did not arrive, whether he would march; but what his determination was he cannot say. He objected to the marching at the time. He also states, that he only heard the Address to the Horse Artillery, and Colonel Doveton made use of no expression to them such as is stated in the last question.

The Witness gives in a Paper containing the following:

"I do not conceive that a Witness is by any means bound to swear to the truth of all that has either been spoken or written abroad, or to reconcile his deposition on Oath with it; for a person may have many views in saying and writing, otherwise than what he actually knows to be the truth, and which statement out of doors cannot be reconciled with his deposition before a Court of Justice. As I am now upon my Oath, I shall recollect that I am to swear to what I know to be true.

(Signed) "*G. W. Poignand.*"

Question from the Court:—Do you mean to infer from the remark above entered, that the circumstances you have mentioned in a Letter, written by you about the 12th August, cannot be reconciled to the evidence you have given before the Court?—In part it cannot; as I also know there were other statements that I made by Letter which I afterwards knew to be incorrect, and to which I can bring proof.

As you have stated persons may have many views in stating and writing otherwise than what he actually knows to be true, Did you believe the statements made in your Letter to have been correct at the time you wrote it?—I certainly must have thought so, or I would not have written it; I might have written a great deal from hearsay.

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Judge Advocate:—Be so good as to look in the Paper I now give you, and say whether it is in your hand writing?—Yes, it is.

Then I am to understand that the Paper now shewn is a copy of that called "The Declaration of the Jaulna Force?"—To the best of my belief it is a copy of it.

Was the name of Lieutenant Colonel Doveton affixed to this Paper? When I saw the original I think Lieutenant Colonel Doveton's name was to it, as I have already stated at the bottom of the Declaration, that it was signed by Colonel Doveton and all the officers of the force; but I afterwards knew positively that at least one-third of the officers did not sign it, and that even many never saw it.

Judge Advocate:—I now submit this Declaration to the Court.—It is read, and is as follows:

"DECLARATION.—To all Officers, civil or military, both of His Majesty's and the Honourable Company's Service, to the Troops, both European and Native, and to the Inhabitants of the Countries under the Government of the Presidency of Fort St. George.

"We, the undersigned Officers of the Force of Jaulna, being on the eve of commencing our march, conceive ourselves imperiously called upon, in the present awful situation of public affairs, and previous to our entering upon such a measure, thus solemnly and publicly to avow the cause and motives of this our proceeding, in the presence of and invoking the great God of Heaven and Earth to bear witness to the truth of this our Declaration. The causes of our taking this step are the intelligence which we have received of the former occurrences in the Northern Division of the Army, as well as those more recent at Secunderabad and Madras, and of the decided resolution of the Honourable the Governor in Council of Fort St. George, to proceed to extremities against the Officers and Troops of the Coast Army. It was our original intention to have awaited the long-expected arrival of the Right honourable the Governor General; but this determination of the Governor of Fort St. George, to proceed to extremities, leaves us no alternative, and deprives us of the advantages which might have been expected to result from an appeal to superior authority. First, then, we most solemnly disavow any intention of interfering with the lawful and executive Government of Madras and its dependencies, as well as all personal hostility towards the Honourable the Governor, or others his supposed advisers; although driven to the most dreadful extremities, this latter we conceive affords a proof of moderation unexampled; but we march to prevent the wanton effusion of human blood; to prevent the arraying of one portion of this Army in battle against the other; to prevent the dreadful consequences to our Country as well as to the Officers and Troops themselves, which must ensue from this lamentable obstinacy of the Honourable the Governor in Council; and, finally, to avert the incalculable miseries which must result to the wretched inhabitants in general from so unnatural a contest. Secondly, we march for the purpose of obtaining from the Honourable the Governor in Council, a solemn assurance that he will abstain from pursuing those acts of unnecessary severity, which have led to the present situation of public affairs, until the Honourable the Court of Directors shall have adopted such measures as they may deem expedient for investigating and redressing the grievances under which their Army now labour. Thirdly, and lastly, we march for the purpose of obtaining from the Honourable the Governor in Council, his consent to a General Amnesty, and the restoration to the Service of all Officers, both civil and military, who, under the present grievous system have been suspended, until the pleasure of the Court of Directors concerning them can be known. Having thus candidly and solemnly explained their intentions to the Army and the World at large, the undersigned are confident that no description of Officers or Troops will voluntarily array themselves against them; nor will they refrain from indulging the pleasing hope, that the Honourable the Governor in Council, on being made acquainted with these their unalterable sentiments, will see the expediency of complying with their request, and the more especially do they hope so, as neither he or they can be insensible to the serious inconvenience and injury which may result to the British interests in the Decan from their present movement, and which step nothing but the most imperious necessity should have ever induced them to adopt. They have only now to add, that in the above determination they have most solemnly sworn to persevere till

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death; but, that in the execution of it, they will neither use force or offer violence to any but such as shall voluntarily meet them for the purpose of opposition: So help us God.

(Signed) "*J. Doveton*, Lieutenant Colonel commanding,
and by every Officer in the Berar Force."

The Court adjourns till 10 o'clock on Monday.

Monday, the 29th day of January 1810.

THE Court met pursuant to adjournment.

Members all present.

Captain Lieutenant *Poignand* is called into Court, and his evidence of the former day being read over to him, he corrects his evidence, by saying, that he did not hear Colonel Doveton say what his determination was, relative to marching the detachment in case of the non-arrival of the Tappall.

Judge Advocate:—Did not Lieutenant Colonel Doveton explain to the detachment under his command, the several acts of Government, and ask them if they would stand by him and their officers?—I think that Colonel Doveton mentioned to the Horse Artillery that some officers had been removed from their situations; and I recollect that the men of the Horse Artillery, after the harangue was over, said that they would stand by their officers. I do not recollect that Colonel Doveton asked the men if they would stand by him or them, or that he made use of any such expression.

Did Lieutenant Colonel Doveton explain to the troops under his command, that the officers of the Army of Fort St. George were acting in oppostion to Government; and that they, the troops, ought to adhere to Government?—No.

Was not Lieutenant Colonel Doveton aware that the officers under his command were corresponding with other parts of the Army, and that their object was to obtain a rescindment of the Order of the 1st of May, and other points, contrary to the wishes of Government?—Yes; Colonel Doveton must have known that we corresponded with other parts of the Army, particularly with Hyderabad, and I believe he knew our object was to obtain a rescindment of that Order ultimately.

Did not Lieutenant Colonel Doveton know that the officers of the Jaulna detachment had drawn up and forwarded certain Addresses to Government, relative to a redress of what were termed the grievances of the Army?—Yes, he did.

When the detachment marched on the 14th, at what place did you encamp on that day?—I forget the name of the place; it was about 8 miles.

After the first march, were not the Horse Artillery Cavalry and flank companies ordered to proceed by rapid marches towards Hyderabad?—Yes, they were ordered to proceed; I do not know whether Hyderabad was mentioned in the order, of course I conceived Hyderabad.

What occurred to prevent that detachment proceeding further than Purtoor?—Accounts having arrived of the submission of the Hyderabad force.

Have you ever said or wrote that this intelligence was a terrible blow to Colonel Doveton?— I can't tell.

Can you now say how this intelligence was received by Lieutenant Colonel Doveton; was it either received with regret or pleasure by him?—I cannot say, for I was not with him when he received it.

Did he not at first, after the receipt of this intelligence, determine to move on at at all hazards, but change his mind in the course of the night?—I do not know.

Have you never said or wrote that he did so?—I cannot say that I have or have not.

Be pleased to look at this Letter, and say whether you did not write as I have before asked you?—I have certainly, and I beg leave to declare, that I have written many things, which must have proceeded from hearsay or from my own feelings at the time, and that I know positively now that many things I did write were incorrect.

Did not Lieutenant Colonel Doveton address the men on the morning of the 16th, and say, "that the officers whom they were going to support had signed the Test, and that it would be therefore leading them to certain destruction proceeding any further," or words to that effect?—Yes, something of that kind; and that he was determined to take the forces back to Jaulna, and this was the first time I had heard of the submission of the Hyderabad force.

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Have you reason to know that the copy of the Declaration, transmitted by you in a Letter, was a correct copy?—The Paper which I considered to be the original, was in circulation to the force on the 13th, and it came to me first, as all Papers of that description did to the Horse Artillery; I am certain that I did not take a copy of it at that time, but passed it on to the other corps, and that I never saw the same Paper again; I of course read it, and to the best of my knowledge, the one before the Court is nearly a copy, but which I cannot say in what manner I obtained; but it must have been on our march back from Purtoor.

When the original was shewn to you was Lieutenant Colonel Doveton's name affixed to it?—There was I. Doveton to it, to the best of my recollection.

Was that signature, to the best of your knowledge, in the hand writing of Lieutenant Colonel Doveton?—I cannot say.

When you saw the signature did you understand it to be in his hand writing?—I was told in the morning that a Paper of that description was to be circulated to the corps, and that every officer intended signing it, and as I knew that Colonel Doveton had agreed to march with us, I of course thought the signature to the Paper was in his hand writing; I heard several days afterwards that a great number of the officers had not signed it, and many mentioned to me that they had never seen it.

The prisoner having asked whether the Paper, styled a "Copy of the Declaration," which was read on Saturday to the Court, has been entered upon the Proceedings, and being answered in the affirmative, he gave in the following Protest.

First.—Private acts do not stand on the same footing of evidence with public records, and much care is necessary in authenticating their purity.

Secondly.—Even copies of public records, taken by authorized persons, must be sworn to have been compared and carefully examined with their originals.

Thirdly.—A copy of a copy is held to be no evidence at all; and unless the act of subscribing can be proved, in criminal cases, even what is termed an authentic copy, is not considered sufficient as legal evidence.

Wherefore, unless the evidence or Prosecutor can swear that the Paper upon the table is a correct copy of the original, and has been compared with it, and that the evidence saw me commit the act of subscribing, I submit to the Court that it cannot be considered legal evidence against me, and I object to its appearing on the face of the Proceedings. The force of the above arguments will be much augmented, when I tell you Gentlemen, that even could the Paper in question be admitted as evidence, I can totally destroy its validity and credit; I never subscribed my name to such a production or such sentiments, and I can easily produce officers, who composed part of the Jaulna force during the late agitations, who can swear that they neither read or saw, much less affixed their signatures to so spurious a production.

(Signed) *J. Doveton.*

The Court is cleared to take into consideration the above Protest, and on being opened, the following is recorded:—The Court do not consider the copy of the Paper, styled "The Declaration of the Jaulna Forces," as evidence against you, unless by subsequent evidences it should be proved to be a correct copy; but as tending to elucidate the charge and questions of evidence arising upon it, the Court think proper to let it stand.

Question from the Prisoner:—Was the copy of the Declaration before the Court a copy from the original; reply to this positively if you can?—I am certain it was not.

Question from the Court:—Do you know whether Lieutenant Colonel Doveton assisted in drawing up the original Declaration?—I do not know.

Did Lieutenant Colonel Doveton, when the men declared they would stand by their officers in opposition to Government, inform them of the impropriety of such a measure, and endeavour to persuade them to return to a proper sense of their duty?—No, he did not; it was just as he was going off the parade.

Did you ever, subsequent to the submission of the Hyderabad Force, hear Lieutenant Colonel Doveton express his sentiments upon that subject?—Never.

Question from the Prisoner:—Had not the men of the corps of Horse Artillery under your command sent a deputation to you as their Commanding Officer, on the evening of the day on which the accounts were received at Jaulna of the transactions at the race-stand, that they would support their officers to the last; and did you not communicate this message to my Quartermaster of Brigade,

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Captain Edmonds?—It was not the evening that the accounts were received, it was the evening after that they did so; and I did communicate it, to the best of my recollection, to Captain Edmonds.

Question from the Court:—Did Lieutenant Colonel Doveton, in consequence of the message alluded to above, use his influence with the men to support the Government?—No, he did not.

Question from the Prisoner:—Were not all the officers at Jaulna at this time perfectly acquainted with the failure in a similar attempt of Colonel Close?—Certainly they were; and any attempt on the part of Colonel Doveton would have been equally fruitless, in my opinion.

Question from the Court:—Did you at any period hear Lieutenant Colonel Doveton express his determination to support the Government?—No; but he always expressed his disapprobation of the violence of the Army; that we were not taking the proper measures to obtain redress, and many other expressions to that effect.

You have stated that Lieutenant Colonel Doveton was acquainted with the ultimate object of the officers of the Jaulna detachment; did he know the first object they had in view, and what was it?—Yes, he must have known it; it was to the performance of a Pledge we had given the Hyderabad force, to support them.

Did Lieutenant Colonel Doveton ever object to the force under his command acting in hostility to Sir George Barlow, or the Government?—Certainly he always did.

Question from the Prisoner:—Was not that Pledge of support to their brother officers given by the officers under my command long before I had any knowledge of it?—It was long before.

The Witness retires.

Captain *Edmonds* is called into Court, and examined on his former Oath.

Judge Advocate:—Did you see a Paper, styled "The Declaration of the Jaulna Force?"—Yes, I think I did; I cannot answer positively.

To your knowledge was Lieutenant Colonel's Doveton signature affixed to that Paper?—Certainly not, what was styled "The Declaration" that I saw.

Was his signature affixed to any Paper of that nature?—Never, that I have ever seen.

The Witness retires.

Lieutenant *Bell* is called into Court, and examined on his former Oath.

Judge Advocate:—Did you see a Paper, styled "The Declaration of the Jaulna Force?"—I saw a Paper styled "The Declaration."

Was Lieutenant Colonel Doveton's signature affixed to that Paper?—I did not see it.

Can you say whether Lieutenant Colonel Doveton saw the Paper previous to the march of the detachment from Jaulna?—I do not know.

The Witness retires.

Arthur Connell, Esq. Staff Surgeon in Berar, a Witness on the part of the Prosecution, duly sworn.

The Charges are read.

Judge Advocate:—Did you see a Paper, styled "The Declaration of the Jaulna Force?"—No, never.

Were you present at a parade of the detachment on the 12th of August last?—I was not present.

The Witness retires.

Judge Advocate:—I now submit to the Court a Letter addressed by the Prisoner to Lieutenant Colonel Montresor, commanding the Hyderabad subsidiary force, on the 4th of September 1809. It is read, admitted, and acknowledged by the Prisoner, and is as follows:

To Lieutenant Colonel *Montresor*, commanding Hyderabad subsidiary force.

"Sir,

"I HAVE the inexpressible satisfaction to inform you, that it appearing to the officers

officers of the detachment under my command, that the dreadful situation of affairs calls for an immediate and distinct avowal of their sentiments towards the Government, they consider that they would do injustice to the patriotism and loyalty which has always actuated their conduct, if they were to hesitate in affording to the Government an unequivocal and satisfactory proof of their sentiments on the present occasion. They have understood that the Government have tendered to the officers at other stations of the Army, the choice of two alternatives, either to sign a prescribed Test, or retire from the exercise of military functions. The officers of the Berar detachment are conscious that they cannot retire from their military duties without exposing the national interests to imminent risk, by leaving Native Corps, at an advanced station in a foreign territory, without their European Officers. They therefore have come forward to sign the prescribed Test, and they trust that this spontaneous act will convince the Government of their determination to support its authority, and to defend the important national interests confided to their charge. Although the officers, impelled by strong feelings of apprehension for the safety of their brethren, as well as of the horrid scenes likely to ensue, did make two marches towards Hyderabad; yet as they almost immediately returned to their post, and as the public interests confided to their care have not sustained any injury from their short movement, they hope that this act may be forgiven. I enclose the Test, which has been signed by myself, Staff, and the Officers of the detachment under my command.

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" I have the honor to be, Sir,

Jaulna, 4th September 1809. " Your most obedient servant,

" *J. Doveton*, Lieutenant Colonel."

Judge Advocate:—I here close the Prosecution; and the prisoner being called upon for his Defence, states that he will be ready on Wednesday morning; the Court accordingly adjourns till 10 o'clock on that day.

Wednesday, the 31st day of January 1810.

THE Court met pursuant to adjournment.
Members all present.

Lieutenant Colonel Doveton addresses the Court as follows:

" General Warde and Gentlemen,

" As I have before-mentioned my intention of making what is usually termed the Defence after the examination of evidence, I shall at present confine myself to a few prefatory remarks, necessarily requisite for the explanation of the documents which I am now about to submit to the Court.

" On the 5th of July 1809, I first became acquainted with the designs of the officers at Jaulna under my command, by commanding officers of corps waiting upon me with an Address to the Right honourable the Governor General, and which I transmitted for the information of the Resident at Hyderabad, and the Commanding Officer of the subsidiary force, as will appear by the accompanying Papers.

" I think towards the end of the same month, it came to my knowledge, by a Letter to my Address, (which is also among the documents in my hand) that certain officers of the detachment under my command had formed themselves into what was styled "a Committee;" and although upon enquiry at that time, I could not positively ascertain the individuals composing it, yet I had reason to know, that this Committee had been formed long previous; and that notwithstanding its illegality, it possessed the confidence of, and represented the general sentiments and voice of every officer under my command, with the exception of my personal Staff, as will also appear by the Papers I am now about to produce. Among these Papers is also a confidential Letter from the Resident at Hyderabad, written in reply to one which I addressed to him, requesting his advice on my first becoming acquainted with the designs of the officers at Jaulna, and with the solemn Pledge which they had made to their brother officers, some time previous.

" As the documents which I shall produce will speak for themselves, I shall defer any other remarks, until the time when I shall enter upon my Defence, merely requesting the attention of the Court to the following circumstances; viz. that although I regularly communicated whatever came to my knowledge of the

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proceedings of the officers at Jaulna, to the Resident at Hyderabad, and Commanding Officer of the subsidiary force, for the information of Government, and of the Officer commanding the Army in Chief, (as they will perceive by the documents) I never received during the extended period, from the 5th of July to the 14th of August, the slightest directions from those authorities, for the guidance of my conduct! I beg here to observe, (General Warde) that I state this circumstance only to shew, that with the exception of the Resident's advice, I was left entirely to the exercise of my own discretionary judgment, at a period, when from the violence and agitation among the officers of the Army, all legal authority was set at naught, and all common and generally received rules, for the guidance of a Commanding Officer's conduct were of no avail.

" When to these considerations are added those of the materials of which my detachment was composed, (nearly all Natives) and its situation, subject to the intrigues of a man, described by Colonel Close as the first Native military leader in India, (Meer Cawn, whose talent for intrigue is notorious) I am certain that every member of this Court will allow, that my situation was perilous in the extreme, and required the exertion of no common judgment!!! Many measures might safely be attempted, and carried into execution at any interior stations, or even at Secunderabad, which would have been madness to have attempted at Jaulna; and that such was the opinion of the executive Government itself, there cannot be a stronger proof, than the circumstance of the Test never having been forwarded to my command, either by its authority, or that of the Resident or Colonel Close.

" Generally speaking, few things can be more heinous in a military man than the procrastination of the orders of his superiors; and yet there are, and must be situations, in which such a circumstance may be not only excusable but meritorious: I admit, however, that such a case must be strong, and evident to the comprehension of every person. I will here mention two instances, in which what I have alluded to, has been the case.

" The first is, when the orders for the march of the 2d battalion 10th Regiment were received at Hyderabad and issued, it was found, I believe, expedient on that occasion, not to carry them into execution, lest the more palpable and essential interests of our Country should have suffered in the general confusion that would probably have ensued from such an attempt.

" The second case occurred in the year 1806; I believe when I was at that station. It was an order from Government to issue immediately to the troops a new turban. The Resident and Commanding Officer finding that such an attempt would, in all human probability, produce the most dreadful consequences, did not carry the order into execution; and afterwards, I believe, received the thanks of Government, for this exercise of their discretionary power!

" Although I am not conscious myself of either having procrastinated, or disobeyed any order of my superiors, yet I have thought it necessary to make the above observations on the general discretion which Commanding Officers must, on particular occasions, exercise in cases of emergency, although not invested with the special power which I possessed, of moving the detachment without reference to the immediate authority of my superiors.

" Suffice it to add, that with respect to myself, I had on two former occasions moved the detachment under my command, in consequence of the general instructions which I had in my possession without reference, once from its position near Bassine, and a second time from Jaulna, to oppose the designs of the confederated chieftains, Wahed Ally Cawn Bungeish, and Dadum Cawn, both of which movements received the approbation of the Resident at Hyderabad.

" The Court may, however, think that I am going too much into detail. I shall therefore proceed to produce my several communications.

Cantonment, 31st January 1810. (Signed) " *J. Doveton*, Lieutenant Colonel."

The Prisoner gives into Court the following Letters, which are read and admitted.

To Captain Thomas Sydenham, Resident at Hyderabad.

" Sir,

Para. 1st.—" I HAVE the honour to inform you, that on the morning of the 5th instant I was waited on at my Quarters by commanding officers of corps and detachments composing the Berar force, with the Address of which the accompanying

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panying is a copy, and which I deem of such importance, that I have not lost a moment in forwarding it to you by express, in order, if you think proper, that it may be transmitted without delay for the information of the Right honourable the Governor General in Council.

2d.—"The awful crisis of public affairs is such, as my own conviction of the total annihilation of our political influence in the Decan, should not some measures be speedily adopted to allay the present ferment, produced by recent events in the minds of the officers composing this detachment, must be my apology for troubling you.

3d.—"I have likewise forwarded the Address itself to the Officer commanding the subsidiary force at Secunderabad, for the information of, and to be submitted to the Honourable the Governor of Fort St. George.

4th.—"I have also addressed a Letter on the subject to Major General Gowdie commanding the Army in Chief, a copy of which accompanies this; and permit me, Sir, earnestly to request, that in your communication to the Right honourable the Governor General, you will give the fullest possible effect to the concluding paragraph in that Letter.

"I have the honour to be, Sir,
"Your most obedient servant,
Jaulna, 6th July 1809. (Signed) "*J. Doveton*,
commanding detachment in Berar."

To Captain Thomas Sydenham, Resident at Hyderabad.

"Sir,

"I HAVE the honour to acknowledge the receipt of your Dispatch under date the 10th July, and which having lost no time in communicating to commanding officers of corps and detachments, I have now the pleasure to forward their reply to me inconsequence. I also transmit for your information a Letter which I yesterday received from Jeswunt Row Holker, with a copy of my reply.

"I have the honor to be, Sir,
"Your most obedient servant,
Jaulna, 24th July 1809. (Signed) "*J. Doveton*,
commanding detachment in Berar."

To Lieutenant Colonel Doveton, commanding in Berar.

"Sir,

"WE have the honour to inform you that the Letters from the Resident at Hyderabad, and Lieutenant Colonel Montresor, have been submitted as you requested to the officers of our respective corps, who have desired us to acquaint you, that circumstances have since occurred which render the Address to the Right honorable the Governor General in Council now useless. We have, therefore, to request that it may be withdrawn. At the same time, the officers of our respective corps request you will have the goodness to convey to Lieutenant Colonel Montresor, their thanks for the candid manner in which he has acted.

"We have the honor to be, Sir,
"Your most obedient servants,
(Signed) "M. Stewart, Major 2d Battalion 17th Regiment Native Infantry.—W. Lushington, Captain 4th Regiment Native Cavalry.—C. Hopkinson, Captain commanding Artillery.—W. Macleod, Captain 8th Regiment Native Cavalry.—J. Pollock, Captain 1st Battalion 12th Regiment.—G. M. Gibson, Captain 1st Battalion 10th Regiment Native Infantry.—G. W. Poignant, Captain Lieutenant Horse Artillery."
Jaulna, 23d July, 1809.

To Captain Thomas Sydenham, Resident at Hyderabad.

"Sir,

"I HAVE the honor to forward for your information, copy of a Letter to my Address, as also of the resolution which accompanied it.

"I have the honor to be, Sir,
"Your most obedient servant,
Jaulna, 26th July 1809. (Signed) "*J. Doveton*, Lieutenant Colonel,
commanding detachment in Berar."

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To Lieutenant Colonel Doveton, &c. &c. &c.

" Sir,

" It is with infinite pain that the officers of this force have at length been driven to the extremity which the Paper herewith inclosed will inform you of. We deprecate any disrespect towards you in this transaction, and beg leave to assure you of our unalterable esteem, which you have so highly merited since we have had the honour of being under your command, and we beg leave to assure you, that we will still continue to obey all orders received from you, which are not injurious to the cause of the Coast Army.

(Signed) " The Jaulna Committee, for the whole of the officers.
Camp, Jaulna, 25th July 1809."

Resolution of that part of the Hyderabad Subsidiary Force serving in Berar.

" We, the officers of the Berar detachment, having united amongst ourselves, and who united with the whole Army in a resolution to obtain redress of our grievances, the particulars of which have been already laid before Government, deem any attempt to divide us as incompatible with, and destructive to that resolution. We shall therefore disregard any order to that effect. But we will nevertheless obey all orders, addressed to us by the Officer commanding this force, for the interior regulations of its duty.

(Signed) " By all the officers of the Berar detachment, with the exception of my Staff."

To the Officers styling themselves " The Jaulna Committee."

" Gentlemen,

" I have this instant received your Letter, with the resolution enclosed, and which I shall transmit for the information of the Officer commanding the Hyderabad Subsidiary Force, as also of the British Resident at that Court.

Jaulna, 25th July, 1809. (Signed) " *J. Doveton*, Lieutenant Colonel, commanding detachment in Berar."

To Captain Thomas Sydenham, Resident at Hyderabad.

" Sir,

" I have had the honour to receive your Dispatch of the 28th ultimo, and which I lost no time in communicating to the officers of the force under my command, and am happy to say it is likely to be productive of the best effects, should no unfortunate occurrence in any other part of the Army tend to destroy the impression it has made.

" I have the honor to be, Sir,
" Your most obedient servant,

Jaulna, 6th August 1809. (Signed) " *J. Doveton*, Lieutenant Colonel, commanding detachment in Berar."

To Captain Thomas Sydenham, Resident at Hyderabad.

" Sir,

" I have the honour to report for your information, that another peremptory call for this detachment to move has been received from the officers styling themselves " The Committee" at Secunderabad. On receiving this information, I lost no time in assembling commanding officers of corps at my Quarters, and of expressing to them my determination not to permit any part of the detachment under my command to move on such a call: I have reason to suppose that they have in consequence again given up the idea. At the same time, it is necessary I should state to you explicitly, that if these demands are repeated, and the regular Dawks do not arrive, (a circumstance which has created a fresh alarm in the minds of the officers, of the hostile intentions of Government,) I despair of being again able to prevent it.

" I have the honor to be, Sir,
" Your most obedient servant.

Jaulna, 9th August 1809. (Signed) *J. Doveton*, Lieutenant Colonel, commanding detachment in Berar."

P. S. " I want words to convey to you an idea of the ferment which now exists in the minds of the officers here.

(Signed) " *J. D.* Lieut. Col."

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To the Officer commanding the Hyderabad Subsidiary Force.

" Sir,

"I HAVE the honour to transmit you by express, an Address which has been delivered to me by officers commanding corps and detachments of the force at Jaulna, to the Right honorable the Governor General in Council, to be laid before the Honorable the Governor of Fort St. George, through the Officer commanding the Army in Chief.

Jaulna, 6th July 1809. } (Signed) " *J. Doveton*, Lieutenant Colonel, commanding detachment in Berar."

N. B. " I have likewise forwarded a copy of the Address to the British Resident at Hyderabad.

(Signed) " *J. D.* Lieut. Col "

To Major General Gowdie, commanding the Army in Chief, Fort St. George.

" Sir,

" I HAVE the honour to report for your information, that on the morning of the 5th instant I was waited on at my Quarters by the officers commanding corps and detachments of the force under my command, with the accompanying Address to the Right honourable the Governor General in council, and which I have deemed it absolutely necessary to transmit by express to the Officer commanding the Subsidiary Force at Secunderabad, in order to be submitted through you to the Honourable the Governor of Fort St. George. I have been induced to this measure, both from the conviction of my own mind, that I should have been guilty of a dereliction of my duty, had I omitted to do so, as well as from the observation which I have been able to make of the ferment produced in the minds of the officers composing this detachment by the recent occurrences in the Northern Division of the Army. For my own part, Sir, I most earnestly implore the Honourable the Governor in Council to abstain from further acts of severity and irritation, lest a scene too horrid for the mind of man to contemplate should be the consequences. It is my thorough acquaintance with the dispositions of the Natives of this Country, as well as the impression of events but too recent, which have forced from me the above sentence, and for which, requesting your excuse,

" I remain with respect and esteem,

Jaulna, 6th July 1809. } " Your very obedient servant, (Signed) " *J. Doveton*, Lieut. Col. commanding detachment in Berar."

A true Copy, (Signed) *Charles Russell*,
Hydrabad, January 11th 1810. First assistant to the Resident at Hydrabad.

(Most Secret.)

To Lieutenant Colonel Montresor, commanding Subsidiary Force, Secunderabad.

" Sir,

" I HAVE the honour to inform you, that by the most providential occurrence I have obtained undoubted information that the officers of the Subsidiary Force at Secunderabad, as well as at Jaulna, have pledged themselves in the most solemn and irrevocable manner, to march to the support of the officers at Masulipatam, should Government attempt to employ force against them: let me conjure you, therefore, to lose no time in making Government acquainted with this circumstance, in order that those most dreadful evils, which must inevitably be the result, may be avoided by their wisdom and forbearance.

" I have the honour to be, Sir,

Jaulna, 7th July 1809. } " Your most obedient servant, (Signed) " *J. Doveton*, Lieut. Col. commanding detachment."

To Lieutenant Colonel Montresor, commanding Hyderabad Subsidiary Force.

" Sir,

" I HAVE the honour to acknowledge the receipt of your Dispatch of the 10th instant, and having made known your sentiments to commanding officers of corps and detachments in the force under my command, have the pleasure to forward you their reply to me in consequence. At the same time, as from my

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situation I must necessarily be enable to appreciate the effects of your mild and candid Letter, I beg leave to add my respectful tribute to the general voice.

"I have the honour to be, Sir,
"Your most obebient servant,
Jaulna, 24th July 1809. (Signed) "*J. Doveton*, Lieutenant Colonel. commanding detachment in Berar."

To Lieutenant Colonel Montresor, commanding Hyderabad Subsidiary Force, Secunderabad.

"Sir,

"I HAVE the honour to forward for your information, and that of the Officer commanding the Army in Chief, a Letter to my Address, with the resolution which accompanied it.

Jaulna, 26 July 1809. (Signed) "*J. Doveton*, Lieutenant Colonel. commanding detachment in Berar."

To Lieutenant Colonel Montresor, commanding Hyderabad Subsidiary Force.

"Sir,

"I HAVE received your Dispatch of the 28th ultimo, and having previously learnt myself that such an order as you mention had been, or was to be transmitted to this station, I lost no time in assuring commanding officers of corps, and through them the officers of this detachment in general, that I would not by any means consent to the march of any part of the force under my command on such an occasion; and I am happy to inform you, that I have reason to believe that in consequence of this, such design has been for the present abandoned. Agreeable to your request, I also assembled commanding officers of corps at my Quarters, and made known to them your Protest against such a step, with a desire that they would all communicate the same to the officers under their several commands.

Jaulna, 6th August 1809. (Signed) "*J. Doveton*, Lieutenant Colonel. commanding detachment in Berar."

To Captain Thomas Sydenham, Resident at Hyderabad.

Sir,

"I HAD the honour to report to you on the 18th the return of the detachment to Jaulna. It must also be necessary that I should account, in some measure, for my having marched with it. The recent transactions at the race-stand and at Secunderabad had so inflamed the minds of the officers here, that had I not consented to march with the detachment, they were firmly resolved to have proceeded without me; and as my principles have invariably led me to adopt every measure in my power to prevent bloodshed in so unnatural a contest, I determined to accompany them. On reaching Purtoor, I was honoured with your Dispatch, acquainting me with the recent occurrences at Secunderabad; and as it was there evident that the further advance of the detachment would only tend to bring on the lamentable crisis which I had been so anxious to avoid, I determined immediately to return with the force to Jaulna, and which, after considerable difficulty, I at last succeeded in accomplishing.

"I have the honour to be, Sir,
"Your most obedient servant,
Jaulna, 26th August 1809. (Signed) "*J. Doveton*, Lieutenant Colonel, commanding detachment in Berar."

Extract of a Letter from Lieutenant Colonel J. Doveton, dated the 6th of July 1809, Jaulna.

"HORROR on Horror!—My dear Sydenham. Since I sent off my Express to you of this date, circumstances have been made known to me that make my blood run cold. It seems that the officers of this detachment here, admired (as they were pleased to say) my candid and honourable conduct towards them so much, and were so highly pleased with my Letter to General Gowdie, that they determined, let the consequences be what they might, not to conceal any thing which they have done; and I therefore learnt with astonishment from a deputation of them, that they, as well as the Subsidiary Force at Secunderabad, have actually pledged themselves, in the most solemn manner, to support the Northern Division of

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of the Army, and to march to their assistance, should Government make use of coercive measures against them. This you see leaves no option. I must either arrest the whole of the officers of the detachment in that case, or must suffer myself to be deposed from my situation. The first presents immediately to the mind, the horrid, horrid picture, of a general massacre of the whole by the Native part of the detachment, and the latter one little better. What is to be done in this dreadful extremity?"

"I DO certify that this is a true extract from Lieutenant Colonel Doveton's private Letter to me, dated the 6th of July, and received by me on the 11th of July 1809.

(Signed) "*T. Sydenham,* Resident."

Hyderabad, 11th Jan. 1810. } Witnessed by *Charles Russell, William Currie.*

The Prisoner informs the Court, that nothing but the previous permission of Captain Sydenham should induce him to lay before them the following private and confidential Letter, which is essentially necessary to his Defence. It is read, admitted, and is as follows:

"My Dear Doveton, Hyderabad, July 10th 1809.

"EARLY this morning I was rouzed by the receipt of your private Letter; I received your public Dispatch last night, and as Lyne was with me I put it into his hands.

"The Address from the officers at Jaulna to the Governor General seems to have been written on the first impulse, after the receipt of intelligence of the late unfortunate transaction at Masulipatam. The officers concluded, as most persons did, that the Madras Government would instantly assert its authority, and adopt the most decided measures to reduce the Garrison of Masulipatam to obedience. As all the officers of the Army have interchanged a solemn Pledge and promise of mutual support and assistance, they thought themselves called upon to prevent the troops at Masulipatam from suffering by their late conduct, in openly resisting the orders of Government; but any measure of extremity has not been attempted against the troops of Masulipatam. You will find that Colonel Malcom has been appointed to the command of the European Regiment and of the Garrison Masulipatam, that he has arrived at that station, and quietly assumed his command. A Committee, of which Malcom is President, and W. Berkeley and H. Evans are Members, has been ordered to assemble at Masulipatam, to investigate into, and report upon the late transaction. The object of the Address from the officers at Jaulna to the Governor General seems to be, to make his Lordship acquainted with their feelings and disposition, and to point out the certain consequences of a perseverance on the part of Government in a system of severity, which has excited such general discontent and resentment. Now, it is necessary for me to inform you, that I have dispatched, both to Lord Minto and Sir George Barlow, the fullest statement upon both those points, and that they are distinctly informed of the certain consequences of any act of coercion against the troops at Masulipatam, or any other part of the Company's Army on the coast; I have neither concealed any fact from them, and I have not disguised or qualified any of my opinions I have spoken fully and confidentially to Majors Shaw and Neale, and the former has either written, or will write to the officers at Jaulna upon the subject of their Address. I therefore believe that you will have no difficulty in persuading the officers to recal, or at all events to suspend their Address; it can be attended with no use to them, and it is calculated to excite irritation in the mind of the Governor General; it can do no good, but it may do a great deal of harm. The subject of your private Letter is so delicate and alarming, that it is scarcely possible for me to give you any advice how to act in the dreadful emergency to which you allude: I anxiously hope that the emergency will not arise, because any result will be destructive to our interests, our character, and our Empire in India. We have hitherto no reason to suppose that Government will resort to measures of compulsion and force against the troops at Masulipatam, if any measures of coercion be attempted; it is not the detachment only at Jaulna, it is the force here, and the Army from every station throughout the Company's Provinces under the Madras Presidency that will be in motion: but cannot the officers at Jaulna be made sensible of the difference of their situation from that of any other part of the Army? They are at the advanced post of the Army, guarding the frontier of an allied Prince, situated in a foreign territory, filled and surrounded by

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enemies to our government, our nation, and our name: putting aside all the evident considerations of their public duty towards the Government, can they be indifferent to all the great national interest, committed specially to their custody and defence; can they seriously think of abandoning their honourable post, and of exposing all the political interests of their country, not only without orders, but in open and declared opposition to their own Government?

"It is unnessary for me to dwell any further upon this subject, because every reflection of this nature must already have occurred to yourself; the question is how you are to act? If the officers should declare their resolution to march to the southward, you will of course exert all your influence, and employ all your powers of persuasion to get them to relinquish so desperate a determination. If, in spite of your remonstrances, they should persist, the only preventive measure you could attempt would be, to place all the officers in arrest and remove them from the troops. But could you succeed in carrying through such a measure of extreme severity? I seriously think not; and if you should succeed, can you go on without officers? Will the men seize their officers, or permit them to be seized and confined? Will the officers suffer themselves to be seized by their men? I rather think that nine-tenths of them would rather die with their swords in their hands. Thus it appears to me:—First, That such an attempt will be attended by the dreadful consequences of a contest between the Natives and their European Officers; Secondly, That it would not succeed, and if did not succeed, your authority is at an end;—Thirdly, That if it did succeed, I know not what you could do with troops, not only deprived of officers, but who had been just employed in removing those officers whom they had been accustomed to obey and to regard with deference and respect. Indeed, view this measure in any light, and the consequences appear dreadful. As far as I am competent to judge of a subject so novel, so unprecedented, so important in its immediate effects and more remote consequences, I do not know that any measure could be productive of more serious evils than the employment of the Native Troops against their European Officers. I believe it is a position which requires no proofs, that the main support of our Empire in this country, is an implicit and unsuspecting confidence between the European Officers and the Native Troops. That confidence, as you well know, received a shock not long ago, and the effects are not yet removed. The measure of which I have been speaking, would, in my opinion, destroy that confidence for ever. The next question is, Whether you should remain in Berar by youself, or march with the troops? I do not suppose that your presence alone in Berar, unsupported by troops, could be of any use; by marching with the troops you could at all events secure the regularity of their conduct, and be present to moderate their feelings and repress their violence. As you possess, and may be able to exercise, a certain influence over the minds of the officers, your presence may do a great deal of good, and your remaining in Berar could be of no use.

"I have now, my dear Doveton, communicated all my sentiments to you on this unpleasant subject in the frankest manner; as I place implicit reliance on your honour, I have written without any reserve or disguise; but, of course, you will consider this Letter as intended only for yourself, and as strictly confidential.

"I am assured that you will succeed in persuading the officers to recall their Address; and in whatever emergency the troubled and extraordinary situation of affairs may reduce you, I am confident that you will act with judgment, discretion, and conscientiously, for the benefit of the service at large.

"I pray to God that order and tranquility may speedily be restored, that no part of the conduct either of the Government or Army may lead to an open contest between them; that the Government may succeed in conciliating the minds of the officers, and that the officers may return to those sentiments of obedience, subordination, and patriotism, for which they have hitherto been so distinguished.

"Ever affectionately yours,

(Signed) "*Thomas Sydenham.*"

The Prisoner also gives into Court an extract of another private Letter to Captain Sydenham, as well as a public one, under date the 4th of September 1809. They are read, admitted, and are as follows:

Extract

Extract of a Letter from Lieutenant Colonel J. Doveton, dated the 6th September 1809, Jaulna.

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" My Dear Sydenham,

" At six o'clock this morning I was favoured with your Letter by express, dated the 1st September, and as all your wishes have been fully gratified ere this by my Dispatch of the 4th, enclosing the copy of the Test, signed by myself and all the officers at Jaulna, (the original of which Colonel Close must of course have received,) nothing remains on that score, but to congratulate ourselves on the favourable termination of the late dreadful disputes; and I can most truly assure you, that no man on earth can be more grateful to Divine Providence on this head than I am!!"

" I certify the above to be a true extract from Lieutenant Colonel Doveton's private Letter to me, dated the 6th of September 1809, and received by me on the 11th of September 1809.

(Signed " *Thomas Sydenham*, Resident."

Hyderabad, 11th Sept. 1809. } Witnessed by *Charles Russell*, *William Currie*.

To Captain Thomas Sydenham, Resident at Hyderabad.

" Sir,

" I have the inexpressible satisfaction to inform you, that it appearing to the officers of the detachment under my command that the dreadful situation of affairs calls for an immediate and distinct avowal of their sentiments towards the Government, they consider that they would do injustice to the patriotism and loyalty which has always actuated their conduct, if they were to hesitate in affording to the Government, an unequivocal and satisfactory proof of their sentiments on the present occasion. They have understood that the Government have tendered to the officers at other stations of the Army, the choice of two alternatives, either to sign a prescribed Test, or retire from the exercise of military functions.

The officers of the Berar detachment are conscious that they cannot retire from their military duties, without exposing the national interests to imminent risk, by leaving Native corps, at an advanced station in a foreign territory, without their European officers. They, therefore, have come forward to sign the prescribed Test, and they trust that this spontaneous act will convince the Government of their determination to suppost its authority, and to defend the important national interests confided to their charge. Although the officers, impelled by strong feelings of apprehension for the safety of their brethren, as well as of the horrid scenes likely to ensue, did make two marches towards Hyderabad, yet as they almost immediately returned to their post, and as the public interests confided to their care have not sustained any injury from their short movement, they hope that this act may be forgiven, as it is their determination not again to quit their station without your authority and orders. The officers have also requested me to write a Letter to those at Seringapatam, informing them of what they have done, and conjuring those officers to lose no time in saving the further effusion of innocent blood, by evincing their submission to Government. This Letter I transmit for your perusal, and request that you will forward it without delay. I have the honour to enclose a copy of the Test, which has been signed by myself, Staff, and the officers of the detachment under my command.

" I am, Sir, your most obedient servant,

Jaulna, 4th Sept. 1809. } (Signed) " *J. Doveton*, Lieut. Col. commanding detachment in Berar."

A true Copy.

Hyderabad, 14th Jan. 1810. (Signed) *Charles Russell*, First Assistant to the Residency.

Lieutenant *Bell*, of the 8th Regiment Native Cavalry, called into Court on the part of the Prisoner, and examined on his former Oath.

Question from the Prisoner:—Do you know that I had any knowledge of a Committee existing at Jaulna, till towards the end of July 1809?—I do not.

Even after this period, did they not preserve secrecy in their proceedings in general?—Yes.

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Did I ever paticipate in the proceedings of this Committee, or was I ever present at any of its meetings?—Colonel Doveton never participated in the proceedings of the Committee, or was he ever present at any of its meetings.

Did not this Committee express the sentiments of all the officers at Jaulna, with the exception of myself and Staff?—It did.

Would not any attempt on my part to have suppressed this Committee, when it became known to me, have been attended with an open revolt on the part of the officers at Jaulna against my authority?—I have not the smallest reason to doubt that it would.

Were not similar Committees known to exist at Hyderabad, and many other parts of the Army?—At Hyderabad certainly, and I believe at other parts of the Army.

Did not the Committee at Hyderabad communicate to that at Jaulna their having detained at the former station, a battalion which had been directed to proceed to Goa by orders of Government?—Yes, the 2d battalion of the 10th.

Had I attempted to oppose this Committee, would they not have appointed some other officer to command the detachment, and have immediately proceeded to the execution of their designs against the Government?—I firmly believe that had Colonel Doveton opposed the Committee, he would have been displaced from his command, and the Jaulna force moved towards Hyderabad.

Do you recollect mentioning to me the solemn Pledges which the officers, at Jaulna had given to those at Masulipatam and Secunderabad, to march to their assistance when called for?—I do.

Did I not protest against it in the most solemn manner, as a surrender of their reason to the guidance of others?—You did.

Did I not afterwards through you, in conjunction with Captain Lushington, use every endeavour in my power to get this fatal Pledge on the part of the officers of Jaulna revoked?—I have not a perfect recollection of that.

Was it not in consequence of my arguments and entreaties, also through you, that the officers at Jaulna were persuaded to write Letters to those at Masulipatam and Secunderabad, requesting that they might not be called upon for the performance of their Pledge till the last extremity?—Yes.

Did not the officers at Masulipatam abstain from requiring the performance of this Pledge?—Yes.

Did not those at Secunderabad perpetually remind the officers at Jaulna of this Pledge, and urge them to the performance of it, by marching to that place?—They did.

When the officers at Secunderabad, styling themselves "The Committee," first called upon the officers at Jaulna to march part of that detachment to their assistance, was not a compliance with that request refused, in consequence of my arguments and entreaties?—It was.

Was not the Protest of the Officer commanding the Subsidiary Force, against the movement of the Jaulna detachment, or any part of it, communicated to the officers at Jaulna through their respective commanding officers by my orders?—Yes.

Did it produce any alteration in the determination of the officers at Jaulna to march that detachment when required?—None.

Had I not adopted temporizing measures, would not the officers at Jaulna have marched that detachment, when called upon so to do, by commanding officers of corps at Secunderabad?—Colonel Doveton, by arguments and persuasions, prevented the officers from marching the Jaulna force more than once.

From what you must have known of the sentiments of the officers under my command, was there any other mode of conduct that could have delayed the march of the detachment so long?—I think not.

On the 2d or 3d call on the officers at Jaulna to move, and when those officers styling themselves "The Committee," came to my tent, did I not prevail upon them not to comply with the call?—Yes; I cannot speak positively as to which of the requisitions.

Was not the argument used by the officers upon that occasion, "if we do not now, Sir, march, those at Secunderabad will certainly give in?"—It was.

Was not the ferment in the minds of the officers at Jaulna very great at my having again prevailed, and did they not loudly accuse those of the Committee of having sacrificed their honour by attending to my arguments?—Very great indeed;

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indeed; I recollect some of the members were accused of having compromised the honour of the officers they represented.

Did not some members actually secede from the Committee at that time in consequence of it?—I recollect that two members retired on that occasion.

Did I ever, to your knowledge, give any promise to the officers at Jaulna, that if a Tappall did not arrive within a certain period I should consider it as a symptom of hostility on the part of Government, and act accordingly?—No.

Did I not, upon that occasion, compose the firment in the minds of the officers, by directing the acting Paymaster to lay another Dawk by the direct route to Hyderabad?—The non-arrival of the Tappall for several days had tended greatly to encrease the ferment at Jaulna, which was in some measure composed by the laying of the new Dawk.

Had not the officers at Jaulna, styling themselves "The Committee," actually fixed the day for the march of the detachment, whether I consented or not; and upon what occasion was this?—Yes; unless favourable and authentic accounts were received from Madras by a certain period, it was determined to move the force. I do not recollect the precise occasion, but I believe it was the accounts that had been received relative to the seizure of Colonel Close's person at Hyderabad.

After the accounts of the transactions at the race-stand were received at Jaulna, would any Protest on my part have prevented its march?—Certainly not.

As you were among the officers, and must have been acquainted with their sentiments, I ask you now to say, whether the Protest of the highest authority in India could have prevented it?—I have reason to think not.

Did I ever, to your knowledge, take any part, at any time whatsoever, in the violent and illegal measures pursued by the officers?—Never.

Did I ever, that you know of, express myself to the officers at Jaulna, that I would act in support of their designs against the existing Government of Fort St. George?—Never, to my knowledge.

Do you think that it would have been possible for me to have employed the Europeans of the Horse Artillery in seizing either the persons of their own officers, or those of any other corps in the detachment under my command?—I think it would not have been possible.

Did you know any thing of my intention to lead back the detachment from Purtoor, until I addressed the corps of Horse Artillery on its parade?—I did not.

Do you think I would have been able to have effected this had I made known my intentions to the officers of that detachment?—I have reason to believe you would not.

Was it not the general sentiment among the officers, that the detachment should still proceed on, and have you ever heard that I was urged to that effect?—It was; I have heard that Colonel Doveton was urged to proceed to Hyderabad.

Were you not very near my person on the morning that I did address the corps of Horse Artillery, and did I make use of any such expressions, as, "that the officers whom they were going to support having given in, it would be leading them to destruction proceeding further, and I was therefore determined to lead them back to Jaulna?"—To the best of my recollection, I was close to the person of Colonel Doveton at the time he addressed the corps of Horse Artillery, and I have not the slightest recollection of any expressions similar to those stated in the question.

Do you recollect that I told them that having the night preceding received accounts, which led me to suppose that what I had apprehended would not occur, I was determined to lead them back to Jaulna?—Colonel Doveton spoke to that effect.

From what you know, do you think I would have been able to lead back the detachment had the whole been together?—I have no doubt the difficulty would have been increased.

Was the Note from Secunderabad, mentioning that as the officers there had signed the Test, the presence of the Jaulna force was neither wished for or required, received before or after I had led back the detachment?—I recollect the Note perfectly well; it was received after our arrival at Ranjinee, one march towards Jaulna from Purtoor on the return.

Would the detachment have returned, had I not been with them?—No.

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Was not a proposition made for not returning to Jaulna subsequent to this, when the whole force was re-united at Worgaum; and was not this proposition successfully resisted by me?—Such a proposition was made, but in vain; Colonel Doveton led us next morning back to Jaulna.

Did I ever, to your knowledge, use endeavours to stir up and excite the troops under my command to join in a Mutiny against the Government of Fort St. George?—Never.

Would the officers at Jaulna have permitted me to explain circumstances to the troops, if they had conceived that my Address to them would have tended to excite an opposition to their designs?—Most assuredly they would not.

Were not the officers in general very sensible, that after I had communicated personally with my troops, my influence was greatly increased?—I believe so.

Judge Advocate:—What was the nature of the intelligence received regarding the occurrences at the race-stand, and was Lieutenant Colonel Doveton acquainted with this intelligence?—The intelligence was, that certain officers had been seized and removed from their corps, or to that effect, and Colonel Doveton was made acquainted with the intelligence.

He was of course aware that the removal of these officers was a measure sanctioned by Government?—Yes, I suppose so.

Previous to his marching from Jaulna, do you know whether he was aware of the attempt made by Colonel Close to support the authority of Government at Secunderabad?—Yes, and of his failure.

Did he at any period make a similar attempt?—No.

Can you say what intelligence was received by Lieutenant Doveton to induce him to return to Jaulna?—I don't know the particulars of the intelligence, but I believe it was the accounts of the officers having returned to their duty at Hyderabad.

If, when the detachment had paraded on the afternoon of the 12th of August, Lieutenant Colonel Doveton had addressed the troops on the part of Government, in what manner could the officers have prevented him from so doing?—We should have seized his person.

Can you say positively that the two corps of Cavalry would have allowed his person to have been seized?—It is impossible for me to answer for 900 men; but it is my firm belief they would have stood by their own officers.

Had not Colonel Doveton been in the immediate command of both these corps at different times?—Yes.

Were not the Native officers and men much attached to him?—No doubt they were; all the troops were attached to Colonel Doveton; but I conceive they had superior attachment to those officers who had constantly lived amongst them.

The Witness retires.

Captain *Edmonds* is called again into Court, and examined on the part of the Defence.

Question from the Prisoner:—Do you know that I had any knowledge of a Committee existing at Jaulna till about the end of July 1809?—No, I don't believe you had any knowledge whatever.

Even after this did they not preserve secrecy in their proceedings in general?—I have every reason to believe that they observed as much secrecy as possible regarding their proceedings.

Did I ever, to your knowledge, participate in the proceedings of this Committee, or was I ever present at any of their meetings?—No, never to my knowledge.

Did I ever acknowledge its authority?—Never, that I know of.

Have you not reason to know that this Committee expressed the sentiments of all the officers at Jaulna, with the exception of myself and Staff?—Yes.

Would not any attempt on my part to suppress this Committee, when it did become known to me, have been attended with an open revolt on the part of the officers at Jaulna against my authority?—From frequent conversations which I had at different times with several members of that Committee, I have the strongest reasons to believe, that if you had made any attempt to suppress their proceedings, your authority, as Commanding Officer, would have been superseded.

Did I not, at my first meeting with commanding officers of corps and detachment at Jaulna, when they waited upon me with the Address to the Right honourable

honourable the Governor General, explicitly declare to them my disapprobation of the violent proceedings of the officers of the Coast Army?—Yes, you did.

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Do you recollect a resolution, signed by all the officers at Jaulna, (with the exception of my Staff) having been transmitted to me on or about the 26th of July 1809?—I recollect a resolution having been sent to you, and I believe it was about the end of July.

Was it not a resolution that they would not obey any Order which tended to divide them, but that they would obey all Orders for the interior management of the force?—Yes, it was to that effect.

Did I not assemble commanding officers of corps at my tent, and communicate to them the Protest of the Commanding Officer of the Subsidiary Force against the march of the Jaulna detachment, or any part of it; and did I not enforce this Protest with many, many arguments?—Yes, you did.

Did I not order commanding officers of corps to communicate this Protest to the officers under their respective command?—Yes.

When commanding officers of corps first waited upon me to communicate their determination to comply with the call from Secunderabad, for the march of the force under my command, or part of it, were they not persuaded by my arguments and entreaties to refuse compliance with this request?—They were certainly.

Do you not know that I also afterwards prevailed upon them not to march when again called upon?—Yes, I do know that you did.

Was there any other mode of conduct than that which I did adopt, which could possibly have detained the detachment at its post so long?—In my opinion there was not.

As you were in my confidence, have I not frequently in such moments declared to you my opinion, that the violence of the officers of the Army was most unjustifiable?—You have, frequently.

Was not my mind very much agitated for a short time previous to the march of the detachment from Jaulna, with the prospect which then presented itself, of an open conflict between the Government and the officers of the Army?—I have every reason to think so from your conversations with me.

Have I not frequently expressed to you and the other members of my family, my conviction, that if such an event ever took place it must be attended with the loss of the British influence in India, and possibly of that of every European in it?—You have frequently expressed that opinion to me and the other members of your family in my presence.

Were you not present when the officers at Jaulna, styling themselves "The Committee," waited upon me at my Quarters to express their determination to comply with the request of their brother officers at Secunderabad, to march to their assistance?—Yes, I was.

Did I not on this occasion make use of every argument and entreaty in my power to prevail on them not to comply, and was I not finally successful?—You did, and your entreaties were with great difficulty successful.

Was not the argument used by them on the occasion, that, if they did not now march, their confederates at Secunderabad would certainly give in?—Yes, it was.

Do you not know, that in consequence of my prevailing on them not to move, the ferment in the minds of the officers at Jaulna was very great?—Yes, I do know it, I witnessed it frequently.

As I knew the preceding day that they intended me this visit, had I not employed you and Mr. Staff Surgeon Connell previously in copying Protests against the march of the force, or any part of it, without the orders of Government, and were not these Protests addressed to every officer commanding a corps in the detachment?—I did by your order write several copies of a Protest to that effect, and they were addressed to commanding officers of corps and detachments.

Are you acquainted with the reason for these Protests not having been delivered?—The reasons were, I believe, that your arguments and entreaties induced them to give up the resolution of marching.

When the accounts of Colonel Close's failure were received at Jaulna, and when there was a stoppage of the Tappall for some days, do you recollect informing me that the officers were in a state of frenzy, and openly talked of attempting the march of the detachment, or of quitting camp in a body if they could not effect it?—Yes, I recollect it perfectly well.

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Was it possible in my power to prevent the march of the detachment from Jaulna when it did move?—No, I don't think it was; for I heard the officers frequently declare they would march without Colonel Doveton.

Would the Protest of the highest authority in India have prevented it?—I should think not.

In my Address to the troops at Jaulna on the evening of the 12th of August, you, I believe, attended me; say, therefore, was there any thing in that Address that could tend to excite the troops under my command to join in a Mutiny against the Government of Fort St. George?—Certainly nothing whatever, but on the contrary.

You also, I believe, attended me on the morning of the 16th, when I spoke to the Horse Artillery at Purtoor; did I, at that time, make use of any expressions, such as, "that as the officers whom they were going to support had signed the Test, it would be only leading them to destruction proceeding further, and that therefore I was determined to lead them back to Jaulna?"—I was present, and heard the whole of Colonel Doveton's Address to the Horse Artillery, and he certainly made use of no such expressions.

The Witness retires.

Major DEACON, of the 16th Regiment Native Infantry, a Witness on the part of the Defence, duly sworn.

The Charges are read.

Question from the Prisoner:—Have you not been for several years in habits of intimacy and correspondence with me?—Yes, I have.

Were you not at Secunderabad during the months of July and August 1809?—Yes.

During that period did you ever receive from me, at any time whatsoever, the slightest assurance that I would take any part in the violent proceedings of the officers of the Army against the existing Government of Fort St. George?—No, I never did receive any assurance whatever; I never corresponded with you during those two months.

Have you any reason to suppose that any other officer at Secunderabad ever received such an assurance from me, either directly or indirectly?—No, I never heard of any assurance of that kind being received.

Was not the conviction that I would not do so the principal reason which induced commanding officers of corps at Secunderabad to sign the Test, and to prevail on the other officers to do so likewise?—It certainly was, in my opinion, the principal reason; and, to the best of my knowledge, I believe it had great influence with other officers commanding corps.

Had the Jaulna force, or any part of it, effected a junction with the troops at Secunderabad, would the officers at the latter place have signed the Test?—I believe I can positively say that they would not.

The Witness retires, and the Prisoner having expressed a wish to offer some observations on the evidence, and to prepare his Defence,

The Court adjourns till 10 o'clock on Friday morning.

Friday, the 2d day of February 1810.

THE Court met pursuant to adjournment.

Members all present.

The Prisoner addresses the Court as follows.

"Major General Warde, and Gentlemen of the Court Martial.

"I HAVE long looked forward with much anxiety to the period of defending myself against the preferred Charges, and now meet with joy, unmingled with apprehension of the result.

"On this solemn occasion, my thanks are first due to that Almighty Power who has enabled me to support the conflicting emotions under which I have appeared before this Court.

"The solemnity of this Trial, the serious character of my accusation, and this inquisition on my conduct, must all conspire to add to the satisfaction of myself and friends.

"It

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" It has been supposed that I headed a Mutiny at Jaulna, and cordially joined in it; but how completely this has been disproved; the Evidence on the table must clearly show.

" Indeed I might have rested satisfied with the Witnesses for the Prosecution for my defence and disproof of the Charges. But wishing fully to elucidate the subject of investigation, I have thought it advisable to call upon some Gentlemen to explain a few circumstances, and change the complexion of any evidence that could possibly appear adverse or prejudicial.

" I should be sorry to fatigue the attention of the Court, by minutely remarking upon the evidence of this Trial; it is too clear and obvious to require any interpretation or comment. But as Captain Poignand, one of the Witnesses summoned on my Defence, has been produced on the other side, and as that Gentleman has given his deposition with much candour and sincerity, though labouring under the difficulty of a constrained mode of examination, I shall be a little full respecting his deposition. Though he has been called upon to depose to particular and forgotten expressions; though his memory has been refreshed with intercepted Letters, written in the heat and agitation of the moment; though his error has been, that he thought and wrote a great deal too much on the subject, yet I trust that every Member of this Court will do him the justice to allow, that he has given, upon the whole, a clear and uncontradictory account of facts that came to his knowledge.

" He has reconciled his testimony with what, from its nature, could be reconciled; for surely it will not be expected that information, communicated at unguarded moments with all the freedom of correspondence, collected from rumour or the opinions of others, and perhaps much the effect of his own imagination, as to be sworn by him to be true, when he can only form a conjecture on the subject.

" In his communications to his friends, he might have really thought that I was actuated with the same views as himself, and that I would have entered into the bold and indefensible measures proposed for redress; although he certainly had not the slightest grounds for so thinking, as I never condescended to explain either my views or motives of action to him; and indeed his not being in my confidence naturally enough accounts for the rash conjectures he was pleased to form concerning my conduct.

" On three occurrences, it may be wished by the Members of this Court that I should afford some explanation.

" First, of my conference with the Native Officers previous to the march of the detachment from Jaulna.

" Secondly, of my intention in addressing the troops at that station: and, Thirdly, of the motives of my moving in advance with a separate detachment to Purtoor.

" On each of these points I will afford to the Court the most candid exposition in my power. With regard to the conference; when I found myself compelled to march with the detachment, rather than come to an open conflict with the officers under my command (conformably to the Resident's advice), it appeared to me of moment to ascertain the opinion of the Native Officers, and to state to them the real situation of affairs, in order to prevent any misrepresentation that might be attempted. I therefore desired the senior officers of corps to direct them to my Quarters, and when they were all assembled, I stated to them what I had heard of the conduct of the officers in taking possession of the Fortresses of Seringapatam and Masulipatam, and of the seizure of Colonel Close's person at Secunderabad. I likewise mentioned what I had heard of the transaction at the race-stand, and then asked them their opinion? They unanimously replied, " that they thought, under the existing circumstances, the detachment should march." I then informed them, that I should march with the detachment for the purpose of preserving order and regularity, and, if possible, of preventing a civil war ensuing from the violence of the Army. At the same time I expressd to them my hope, that before we reached the Godavery, some favorable occurrence would take place, which might enable me to lead them back again. I then dismissed them, not choosing to say more at that time, as I had before heard that they would probably support the officers, and as I knew that every word of the conversation would be repeated in a few minutes to their several commanding officers. And here, Gentlemen, in this plain statement you have the whole of that conference, to which such supposed importance appears to have been attached.

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"With respect to my Address to the Troops, I also considered it of the utmost importance, to prevent their being misled by any subsequent misrepresentations, should any such be attempted; and as I knew they confided in my truth and integrity, I made an explanation to them similar to that which I had before made to the Native Officers. The good effects of this communication in person with them, I was shortly after very sensible of: it strengthened my authority, and I have reason to suppose, enabled me to lead back the detachment from Purtoor, contrary to the opinion of every officer in that detachment but myself and Staff; and which, but for that previous measure, it would have been rashness in me to have attempted.

"As it was my determination to seize the first favourable opportunity of leading back the troops to their station, I composed and separated a detachment, consisting chiefly of Cavalry, over whom, both officers and men, it might be supposed I should have more influence than over the other corps. This, General Warde and Gentlemen, I can with truth declare to you, was the motive, which induced me to separate the force; that other officers of this detachment should have put a different construction upon it, is neither extraordinary or unnatural. My final design I concealed from all, as it must, I trust, appear evident to the Court, that my success depended on secrecy; and had I communicated my real intention to the officers under my command, there cannot be a doubt, from the evidence which has appeared before the Court, but they would have taken immediate measures to frustrate it.

"With regard to the Paper styled "The Declaration," and which is mentioned in the introduction to the Prosecution, all that I have to say is, that I neither myself ever saw, or read, much less affixed my signature to it, nor, as I am certain, did any gentleman of my family, one only of whom ever saw it. The evidence which has been attempted to be brought forward in support of this Charge has so completely refuted it, that it cannot be necessary for me to say a word more on the subject.

"Fortunately, the essence of my Defence, and the points for your consideration, lie in a very narrow compass. All the features of my case may be compressed in the perilous and dangerous situation in which I was placed.

"Occupying with my detachment a station on the frontier of our Ally the Nizam, surrounded, as Captain Sydenham emphatically remarks, by foes to our Nation, our Government, and our Name, within a few marches of an intriguing and active Enemy, and perhaps the ablest Native leader in the East, it is for you to determine whether I acted with circumspection and prudence in keeping compact and under control, my little army, thus critically situated. It is for you to determine whether, possessing ample authority vested in me by the Governor General, it was my duty, insulated as I was, and relying for security on my own internal resources, to attempt the disorganization of my force, while convulsed by violent agitation, and to hazard the consequences of delivering it over a prey to uproar and confusion.

"I trust I have proved, that from the enflamed state of mind prevalent on the Jaulna force, my authority and influence over the European Officers was in a great measure destroyed; that no alternative was left me, but acquiescence in the march of the force, or immediate confinement of their persons; and this measure must clearly appear to have been impracticable, from the temper and attachment of the troops, declared in their resolutions of support to their officers.

"But even with regard to the propriety of making such an experiment, I can only refer you once more to the Resident's Letter, as the best illustration of the subject, and sanction for my proceedings. In that Letter the embarrassments of my situation are faithfully delineated, the probabilities of extricating myself from them scrupulously weighed, and finally, the adoption of those measures, which form the subject of the first and second Charge, fully approved and authorized!

"But the efficacy of the Letter in my Defence, best shews itself in an attentive consideration of its contents. I need not expiate on its merit. It must address itself with full energy and force to the feelings and understandings of the Court.

"I should have a very mean opinion indeed of my case, if I did not conceive, by this time, that these Charges were refuted beyond a shadow of doubt; I shall not insult the understandings of the Court, by supposing that a single Member has any suspicion that I shamefully, mutinously, and seditiously abandoned my post, or the important charge reposed in my hands, and headed my detachment with intentions hostile to the Government of Fort St. George.

But

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" But, on the contrary, I am persuaded that all will be convinced that I kept steadfastly in view what every man ought to consider one of the primary objects of his life—the good of his country; and minutely surveying the danger which threatened the national interests, in the quarter committed to my safeguard, that I applied the only means left in my power to avert the impending shock!!

" To effect this great and momentous object, " the security of the British interests in India," I need hardly impress upon the minds of the Court, that my views were totally separate and distinct from those of the officers under my command.

" Under the dominion of passion, professing obedince to usurped authority, in defiance of their Commanding Officer, they were but little disposed to listen to the voice of reason or temperance.

" Indeed, the season of remonstrance was past.

" The admonitions of the Supreme Authority in India had long before been unavailing, and neglected by the Army at large, its decisions canvassed and resisted; it was hopeless, indeed, to expect that the voice of an individual to dissuade or attempt to repress encroachments on his authority could be heard. But it clearly appears, that remonstrances and attempts to dissuade were not wanting on my part; and though in all cases I could not control decision, I moderated impetuosity and violence!

" Had I possessed the same sentiments or opinions with those under my command, it might be argued with some colour of justice, that the same inconsideration and boldness which entangled them in the rising contest, had transported me to lead my confederates to the accomplishment of their wishes.

" But, Gentlemen, the Evidence on the table shows very different motives of action. It shows that my sentiments and opinions were adverse and offensive to the officers at Jaulna, my views suspected by them; it shows that my personal seizure and restraint were meditated, and that had I not consented to march, another leader would have been chosen to conduct them, perhaps to desperate enterprizes, and sanguinary conflicts: for surely instances are not wanting of men, once plunged into excess and error, who have caught enthusiasm from despair, and, victims to their cause, have involved themselves and others in common ruin and destruction!

" Then truly might have been apprehended an irruption of foes; and while our means of resistance were paralized and distracted, we might have witnessed these valuable and envied possessions swept by a flood of desolation and war.

" But who can dwell on such a picture, or contemplate it without horror? Thank God, we have now, happily, more pleasing prospects, and less dreadful surmises.

" Allow me, at this place, to introduce the following Affidavit of the Resident at Hyderabad, and which has already been read in Court."

Hyderabad, the 14th of January 1810.

" I do hereby solemnly declare and certify, that Lieutenant Colonel John Doveton, then Commanding Officer of the detachment of British Troops stationed at Jaulna, in the province of Berar, did report to me, that he had prevented the march of the detachment under his command, about the end of July 1809: and that he did further report to me, in a Letter bearing date the 9th of August 1809, that he had again prevailed upon the officers under his command to relinquish their determination of marching from Jaulna.

" I do also declare, that the said Lieutenant Colonel John Doveton did report to me, on or about the 14th of August 1809, the march of the detachment from Jaulna.

" I further declare, that the said Lieutenant Colonel John Doveton did report to me, in a Letter dated Purtoor, the 16th of August 1809, his intention of leading back the said detachment to its station at Jaulna.

I further declare, that the said Lieutenant Colonel John Doveton did report to me the return of the said detachment to Jaulna, in a Letter dated at that place the 20th of August 1809.

(Signed) " *Thomas Sydenham*, Resident at Hyderabad."
Signed in the presence of *Charles Russell*, First Assistant.
Wm Currie, Surgeon to the Residency.

" Permit me, Gentlemen, before I come to the close of my Defence, to remark, in justice to the officers of the Jaulna detachment, that they were indeed,

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I believe, the last to join in the late opposition to the measures of Government; and that during such opposition, however little to be defended, they never committed any particular act of outrage or violence; but, allowing themselves to be persuaded by my arguments and entreaties, continued at their post for a length of time, notwithstanding the reiterated calls from their associates at Secundera-bad, to march in performance to a solemn Pledge, which they had, without my knowledge, incautiously given, until the transactions at the race-stand and Hyder-abad deprived them, as they conceived, of all option.

" With regard to myself, once high in the confidence of Goverment, selected for the most delicate situation and dangerous enterprizes, advanced to the post of Honour of the Madras Army, I now stand fallen from this pre-eminence, a Prisoner before you ! ! !

" It will be your province to seal, or cancel the forfeiture of these advantages. In my present situation, it may not, perhaps, be deemed improper by the Court, that I should make some slight mention of my services : I shall therefore briefly state, that, such as they are, they have been rendered during a period of twenty-seven uninterrupted years, without ever having visited my native country, relatives, or friends; during this long space of time, having been, most fortunately, blessed with health, I have never been absent either from my duties during peace, or in the more active exertions of the field.

" Some particular opportunities of being serviceable from my influence with, and knowledge of the Natives of this country, have also occurred during that period.

" With reference to the time, during which I held that most important and honourable command in Berar, they are best known to the Nobleman at present at the head of the executive Government in India ; suffice it to say, they have received his approbation.

" With respect to the last, and, as I deem it, the most important service to my country, and to humanity, the proofs are now before this Honourable Court.

" And now, General Warde and Gentlemen, it only remains for me to return you my grateful thanks for the kind attention with which you have listened to whatever I have had to urge in my Defence, and allow me to express my confident hope, that if I shall have fully established in your breasts the conviction of my innocence, you will consider yourselves as the jealous guardians of that honour which I inherit in common with you all, as a soldier and an officer.

Bangalore, 2d February 1810. (Signed) " *J. Doveton*, Lieutenant Colonel."

The Proceedings are closed, and the Court adjourns till 10 o'clock on Monday morning the 5th intant.

Monday, the 5th day of February 1810.

The Court met pursuant to adjournment.
Members all present.

The Proceedings are read over.

SENTENCE.—" The Court are of opinion that the Prisoner, Lieutenant Colonel John Doveton, is not guilty of the Charges preferred against him, and do, in the most full and most honourable manner, acquit him of all and every part thereof.

(Signed) " *Henry Warde*, Major General and President."
(Signed) " *William Ormsby*, Deputy Judge Advocate."

The Court adjourns till Thursday morning at 10 o'clock.

Tuesday, the 13th day of March 1810.

THE General Court Martial, which assembled at Bangalore on the 1st day of November 1809, continued by successive adjournments, and re-assembled on the 26th day of January 1810, is re-assembled this day by order of the Officer commanding the Army in Chief. Members all present as on the latter day. The Judge Advocate lays before the Court a Letter from the Commander in Chief, directing a revision of their Sentence, as passed on Lieutenant Colonel Doveton.

It is as follows :

To

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To Lieutenant Ormsby, Deputy Judge Advocate.

"Sir,

"It is with much concern that the Officer commanding the Army finds it impossible to concur with the Court in the acquittal of Lieutenant Colonel Doveton. The Sentence appears to him too much at variance with the fundamental principles of discipline, to admit of his giving to it the further sanction of his approbation.

"The Officer commanding the Army thinks it his duty at the same time to say, that he does not include in his dissent from this Sentence, the acquittal of the prisoner on the 3d Charge, because the evidence does appear to have been defective on that article.

"The Officer commanding the Army can entertain no doubt, that the material points of Lieutenant Colonel Doveton's other crimes were clearly and fully proved, and that no exculpatory matter appeared on the trial that could entitle him to an acquittal.

"It is admitted that Lieutenant Colonel Doveton committed the acts imputed to him; that is to say, that he did actually issue the orders for the march of the detachment, and did actually march at the head of it.

"Lieutenant Colonel Doveton was not himself the original author and mover of this measure, the nature and object of which cannot therefore be judged of by any explanation which he may offer of his own reasons for joining in it. The Prisoner states on the contrary, as a point of his Defence, that the officers of the detachment had themselves determined to march, and the account which he gives of the motive and purpose professed by them for that proceeding, fixes upon it the most distinct character of Mutiny and Revolt. It was with a clear knowledge, therefore, of the criminal purpose for which the detachment was to march, that he consented to put himself at its head; and, by his own admission, his offence comes under the precise words of the 3d Article of the 2d Section of the Articles of War: "Any officer, non-commissioned officer, or soldier who shall begin, excite, "cause, or join in any Mutiny or Sedition."

"The prisoner substantially admitted, that he joined the detachment under his command in this act of Mutiny.

"It is not less clearly proved by his own declaration on his Defence, that he excited that Mutiny, for he persuaded the Native commissioned officers, and the private Europeans and Natives to march from Jaulna.

"He admits that he assembled the Native Officers at his Quarters, and it results from the account he himself gives of the speech which he addressed to them, that the object he had in view was, to obtain their concurrence to the illegal measure in which he was at that time himself engaged.

"He admits also, that he ordered the Line out on the 12th of August, and that he addressed the troops themselves on parade; he has informed the Court that, in substance, his Address to the troops was to the same effect as that which he had delivered to the Native Officers at his Quarters, and that it was attended with similar success.

"That the intention of these harangues was to induce the troops to march, that is to say, to join in an act of open Mutiny, appears not only from the short Report he has made to the Court of his speeches, but from the satisfaction which he expresses at the result and consequence of his proceedings on those two occasions.

"When, after his Address to the Native Officers, he calls upon them for their sentiments, they deliver their opinion, that the detachment ought to march immediately; he declares himself to have been much gratified at the result of this meeting.

"After his speech to the Native Officers had produced that effect, he harangues the troops on parade in nearly the same terms as those which had drawn from the Native Officers a declaration in favour of the march. He must have proposed, therefore, the same result in addressing the men, and the same result accordingly happened.

"The acts which constitute the Crime charged against Lieutenant Colonel Doveton being in this manner not only proved but admitted, it is proper now to consider the exculpations tendered by the Prisoner; and the Officer commanding the Army has directed me to begin by remarking, that no exculpation of the acts described in the Articles of War can entitle a party guilty of the fact to an acquittal.

"This principle has been justly thought by the Legislature so important, both to military discipline and to the security of the State, that a special provision

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is made for it, not usual in other branches of our law. In most other crimes, an innocent intention may be pleaded; but Mutiny and Sedition are excluded from the justification of "any pretext whatever."—"This part of the clause is too remarkable to be considered as insignificant, and as containing mere words of style, which are to have no binding or practical operation. The Legislature saw in its wisdom, that if the allegations of good motives were admitted to absolve men accused of actual Mutiny or Sedition, that species of defence would seldom be wanting to those dangerous crimes. The law was made, therefore, to declare in plain terms, that no prudential consideration, and no other motive whatever, can warrant a military man to take part in Mutiny or Sedition, and that he even shall be held criminal in an equal degree, and subject to the same penalties, if he only neglect or refrain from doing his utmost to suppress those offences.

Officers, therefore, are not left in the dark, or under any degree of doubt respecting their duty in all such cases; one broad distinct line is traced out for them, applicable to every possible occasion, and the guilt of deviating from it is defined in terms which carefully shut out all discretion, and admit of no exception.

"No person, therefore, guilty of a clear act of Mutiny or Sedition can be acquitted agreeable to law. Exculpatory pleas may indeed be received, but can operate only in mitigation of punishment; and the law does accordingly allow a discretion to Courts Martial to that effect.

"Entertaining these sentiments, the Officer commanding the Army need hardly repeat his decided opinion, that nothing adduced in the Defence of Lieutenant Colonel Doveton could acquit him of the crimes for which he has been tried; but he has nevertheless instructed me to make some remarks on the particular grounds on which his Defence has been made to rest.

The Officer commanding the Army considers the justification of Lieutenant Colonel Doveton to have turned substantially on the following points:

"That he had abstained from any part in the irregular proceedings of the Army, which terminated in revolt; and had no knowledge of the share taken in them by his detachment till a late period. That when it came to his knowledge, he employed his influence to moderate the proceedings of the officers; to prevent, and, failing in that, to retard the execution of the particular measure which forms the matter of charge against him, and that he had been successful in obtaining delay. That in the end the officers had determined to march; that he did his utmost to prevent them; but, failing in those endeavours, he had thought it advisable for the public interests that he should accompany them for the purpose of preserving order, preventing violence and plunder, and in general, moderating their future measures; and he pleads more particularly, that he finally resolved to place himself at the head of the detachment, because he thought that measure might have the effect of preventing a civil war and the effusion of blood.

"The Officer commanding the Army conceives the latter to be the only substantial plea on this part of the case; but he considers it rather as establishing the Charge brought against him, than as tending to absolve him from it. The officers themselves in reality proposed little more than this.

"The detachment marched at the requisition of the troops at Secunderabad for the express purpose of concentrating a strong force in opposition to Government. It is obvious in itself, and must have been so to Lieutenant Colonel Doveton, that such a measure could not prevent the apprehended contest, by laying additional restraint on the Hyderabad Force, or on the Army at large, inasmuch as it increased and improved their means of opposition. If it was calculated, therefore, to avert a civil contest, it could only be by deterring and overawing Government, and by extorting, under the pressure of this and similar measures, the mutinous demands of a revolted army.

"If Lieutenant Colonel Doveton acted upon those motives, he must be considered as a principal in the Mutiny, and, although he should seriously have believed that the general advantage would be promoted by a measure of such a character, he could not be acquitted of Mutiny and Sedition without shaking the foundation, as established by reason and law, of order and security in the world; since an option would thereby be vested in those who are intrusted with the public force, to support or oppose, on their individual judgments, the constituted authorities of the State. If men, therefore, conceive themselves bound in irregular times, by any personal opinions, to depart from the even and beaten path of their duties, they must be content to follow the fortune of their measures,

measures, and to rank, perhaps amongst conscientious, but not the less amongst actual violaters of law, and adversaries of Government.

" The Officer commanding the Army must revert to another point on which Lieutenant Colonel Doveton has presumed, unwarrantably, to assume a discretion which cannot be allowed to him, by neglecting, or rather deliberately abstaining from the performance of duties expressly enjoined by the written Law of Parliament.

" He did not do his utmost to prevent the march; that is to say, in the language of the Legislature, to suppress the Mutiny.

" He used his influence, indeed, with the officers for that purpose, but he used no endeavour to dissuade the men. On the contrary, he made his best exertions to persuade them. Opportunity was not wanting to discharge that important part of his duty, for the Native Officers of his detachment were actually assembled at his Quarters, where no impediment could have prevented him from explaining to them the true state of affairs, impressing upon their minds the criminal nature of the measure in agitation, and calling upon them to obey and support him in his determination to maintain discipline, and stand by the Company's Government.

" He did the contrary of all this, and acted the same part with the troops on parade.

" His justification here is, that to separate the troops from their officers might lead to great disorder and calamity. He thought it better, when the officers of an Army revolt, that the troops should join them, and, of consequence, overthrow the Government at once, than that any hazard or inconvenience should be incurred in opposing the Mutiny and supporting the State.

" The Officer commanding the Army will never acquiesce in so irrational and pernicious a principle, and rejects, as unworthy of his consideration, that whole head of the Prisoner's Defence.

" The Prisoner has attempted to shelter himself under the advice, which he has affected to consider an instruction, from the Resident at Hyderabad. But the Prisoner has himself shewn that the Letter addressed to him by Captain Sydenham was not only unofficial, but private and secret in the strictest sense of the word; insomuch, that he did not think himself at liberty to produce it, even for the defence of his life, without the special permission of Captain Sydenham. The Resident at Hyderabad had a right to communicate his instructions to Lieutenant Colonel Doveton respecting the movements of the detachment, so far as related to the defence of the Nizam's territories, and the proper service of the Subsidiary Force; but he had no power, and was no ways entitled to instruct Lieutenant Colonel Doveton on the point referred to in that Letter; and the opinion he delivered could be received only as the private advice of a friend, totally divested of official authority, claiming no obedience, and not relieving the person to whom it was addressed of any responsibility. That communication purported accordingly in terms to be most strictly confidential, and was accepted as such. It was a great fault, and highly culpable in Lieutenant Colonel Doveton, to form a resolution on a point so momentous upon no better foundation than a correspondence, not only secret, but evidently clandestine, with another public functionary, when he had ample time to obtain specific orders on the very point from the Officer commanding the Army, or from Government itself.

" It is manifest, upon the face of this transaction, that the advice was asked on one hand, and given on the other, without reference to the opinion or pleasure of Government; but, on the contrary, on the very footing of individual judgment, independent of either the actual instructions or the presumed wishes of their Superiors, and contemplating, indeed, a state of things, in which these two servants of the public appear to have agreed in determining, that the sentiments of Government were to be entirely disregarded.

" The Officer commanding the Army has thought it incumbent upon him to deliver his opinion fully and unreservedly on this important cause, and to lay before the Court the principal reasons which have intimately persuaded him that the case does not admit of an acquittal.

Fort St. George, 9th March 1810. (Signed) " *J. Leath*, Judge Advocate General."

REVISED

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(c.)
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of
Lieut. Col.
DOVETON

REVISED SENTENCE.—THE Court, in obedience to the Orders of the Officer Commanding the Army, having reconsidered the whole of the Evidence brought before them, do not find any reason to alter their former opinion.

(Signed) "*Henry Warde*, Major General and President."
(Signed) "*William Ormsby*, Deputy Judge Advocate."

The Court Adjourns.

"THE Officer Commanding the Army has deeply to lament that he cannot subscribe his approbation to the above Sentence; the Prisoner has rested his Defence on the pretext of having joined in the Mutiny for the purpose of preventing the excesses of his men. But the Articles of War having expressly excluded such plea, it is impossible to warrant an acquittal in opposition to the very letter of the Law itself.

"A second ground of the Prisoner's Defence appears to be a private and confidential Letter from Captain Sydenham, the Resident at Hyderabad, recommending to Lieutenant Colonel Doveton to adopt the above conduct. Advice contrary to law can never constitute an authority for criminal acts, let it come from what quarter it will. But the Letter in question was altogether unofficial, being marked confidential, and not only not reported to Government, but seemingly carefully concealed by both parties from its knowledge, until the moment it was produced in Court by Lieutenant Colonel Doveton, as a document of his Defence.

A Court Martial may indeed discharge a Prisoner from the legal penalty, but how far the party shall be again employed is a separate question. An officer who could conceive himself justified in putting himself at the head of a Mutiny on the mere suggestions of another, or any pretext whatever, can never, in the opinion of Major General Gowdie, be thought fit to be again entrusted with any important command. He feels himself, therefore, imperiously called on to recommend to Government, that Lieutenant Colonel Doveton may be removed from the exercise of all military functions, until the pleasure of the Court of Directors shall be taken on his case; allowing him, in the mean time, to draw his proper allowances.

"Lieutenant Colonel John Doveton is released from arrest.

Head Quarters, 20th March 1810. (Signed) "*F. Gowdie*, Major General, commanding the Army in Chief."

GENERAL ORDERS.

Head Quarters of the Army, Choultry Plain, 20th March 1810.

G. O. By Major General Gowdie.

Further extracts from the Proceedings of the General Court Martial which assembled at Bangalore on the 1st day of November 1809, and of which Major General Warde is President, are published to the Army.

Lieutenant Colonel John Doveton, of the 8th Regiment N. C. and late commanding the detachment of troops serving at the frontier station of Jaulna, ordered in arrest by the Officer Commanding the Army on the following Charges:

CHARGE First.—"For conduct subversive of all good order and military discipline, and in breach of the Rules and Articles of War for the better government of the Company's Forces, by having, in violation of his duty, and the great trust reposed on him, as commanding a most important and critically situated frontier station, shamefully abandoned the post committed to his charge, by moving his detachment from the station of Jaulna on the 14th of August last, and with a Mutinous and Seditious design against the existing Government of Fort St. George.

2d.—"For having, previously to his march, used endeavours to stir up and excite the troops under his command, to join in a Mutiny and Sedition against the existing Government of Fort St. George.

3d.—"For having affixed his name to a Mutinous and Seditious paper, styled "The Declaration," expressive of the intentions with which the force had commenced their march.

"By order of Major General Gowdie, commanding the Army.

Fort St. George, 9th October 1809. (Signed) "*T. H. S. Conway*, Adjutant General of the Army."

SENTENCE

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(3) TRIAL of Lieut. Col. DOVETON

SENTENCE, as passed on the 5th day of February 1810.

"THE Court are of opinion that the Prisoner, Lieutenant Colonel John Doveton is not guilty of the Charges preferred against him, and do, in the most full and most honourable manner, acquit him of all and every part thereof.

(Signed) "*Henry Warde*, Major General and President."
(Signed) "*William Ormsby*, Deputy Judge Advocate."

REVISED SENTENCE, as passed the 13th day of February 1810.

"THE Court, in obedience to the orders of the Officer commanding the Army, having reconsidered the whole of the Evidence brought before them, do not find any reasons to alter their former opinion.

(Signed) "*Henry Warde*, Major General and President."
(Signed) "*William Ormsby*, Deputy Judge Advocate."

"THE Officer commanding the Army has deeply to lament that he cannot subscribe his approbation to the above Sentence. The Prisoner has rested his Defence on the pretext of having joined in the Mutiny for the purpose of preventing the excesses of his men. But the Articles of War having expressly excluded such plea, it is impossible to warrant an acquittal in opposition to the very letter of the Law itself.

"A second ground of the Prisoner's Defence appears to be a private and confidential Letter from Captain Sydenham, the Resident at Hyderabad, recommending to Lieutenant Colonel Doveton to adopt the above conduct. Advice contrary to law can never constitute an authority for criminal acts, let it come from what quarter it will. But the Letter in question was altogether unofficial, being marked confidential, and not only not reported to Government, but seemingly carefully concealed by both parties from its knowledge, until the moment it was produced in Court by Lieutenant Colonel Doveton, as a document of his Defence.

"A Court Martial may indeed discharge a Prisoner from the legal penalty; but how far the party shall be again employed is a separate question. An officer who could conceive himself justified in putting himself at the head of a Mutiny on the mere suggestions of another, or on any pretext whatever, can never, in the opinion of Major General Gowdie, be thought fit to be again entrusted with any important command. He feels himself, therefore, imperiously called on to recommend to Government, that Lieutenant Colonel Doveton may be removed from the exercise of all military functions, until the pleasure of the Court of Directors shall be taken on his case, allowing him, in the mean time, to draw his proper allowances.

"Lieutenant Colonel John Doveton is released from arrest.

"The above Order to be read at the head of every regiment and battalion on the Establishment."

GENERAL ORDERS.

Head Quarters of the Army: Choultry Plain, 21st March 1810.

THE Right honourable the Governor General in Council having addressed the subjoined Orders to Major General Gowdie, commanding the Army, to be published to the Army, they are accordingly published in Military Orders.

Fort St. George, 21st March 1810.

G. O. By Government.

"THE Officer commanding the Army having laid before the Governor General in Council the Proceedings of a General Court Martial on the trial of Lieutenant Colonel Doveton, and having recommended that Lieutenant Colonel Doveton shall be suspended from the exercise of his military functions, receiving the pay and allowance of his rank, until the honourable the Court of Directors shall signify their pleasure upon a case so important and extraordinary; His Lordship in Council has taken the Proceedings of the said Court Martial into the most serious consideration; and as well in deference to the recommendation of the Officer commanding the Army, as from entire concurrence with his sentiments, has resolved to transmit the Proceedings to

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the honourable the Court of Directors by the earliest opportunity. His Lordship in Council is further pleased to order, that Lieutenant Colonel Doveton shall be suspended from the exercise of his military functions, receiving the pay and allowances of his rank, until the pleasure of the honourable Court shall be known.

" The Governor General in Council cannot, without extreme regret, publish to the Army a formal dissent from the judgment of a tribunal, so much entitled from the ends and nature of its institution to respect, as a General Court Martial; but no establishment, devised and administered by men, can be exempt from human fallibility; and the consequences which must result from a tacit sanction of the principles on which this erroneous judgment must have been founded, appear to the Governor General in Council so fundamentally subversive of every security which the law has wisely and providently supplied against the greatest danger with which society can be menaced, that all the subordinate considerations of delicacy towards public bodies, or tenderness towards individuals, which might properly weigh in ordinary cases, must yield to the higher and paramount duty of providing for the permanent tranquillity and safety of the public.

" The Governor General in Council cannot, therefore, too distinctly avow his entire concurrence in the sentiments of the Officer commanding the Army on the present occasion, and his Lordship in Council will ever acknowledge the deep obligations of the British Empire at large, as well as of this portion of it, to the firmness and energy with which Major General Gowdie has, with personal reluctance, no doubt, but with a manly devotion to his public duty, opposed the establishment of false and unmilitary principles, by withholding his confirmation of a Sentence from which they would hereafter claim support; and has counteracted their pernicious tendency by a solemn assertion of those civil and military tenets which the Legislature has, on this branch of our public duties, exclusively acknowledged as conformable with the juster notions of the military character, or compatible with military trust. Those cardinal maxims are, that in every calamitous case of Mutiny and Revolt, whether partial or general, " or, on whatever pretext" that monstrous offence may seek to justify itself; the first obligation of every officer and soldier is to oppose its progress by every effort of persuasion. His second is, to separate himself from the guilty; and the last and most sacred is, to join the standard of his Sovereign, his employers, and his duty, and to strain every nerve of zeal, activity and courage, in subduing the criminal party.

" It is in conformity with these just and important principles, and with a lively sense of their powerful and decisive influence on the discipline of armies and safety of the State, that the Governor General in Council has deemed it expedient and necessary to adopt the firm and judicious advice of the Officer commanding the Army, and to postpone the indulgence of personal disposition, and every other inferior motive, to the more sacred care of providing, in an extraordinary conjuncture, for the interests and security of the public.

" By Order of the Right honourable The Governor General in Council.
(Signed) " *A. Falconar,* Chief Secretary to Government.

" By Order of Major General Gowdie, commanding the Army."

No. 8.

Copy of Paragraphs 583 to 598, and 728 to 732, of a LETTER, from the Government of *Fort St. George*, to the Court of Directors of the East India Company; in the Military Department; dated 21st October 1807.

Extract of MILITARY LETTER from Fort St. George, dated 21st October 1807.

Par. 583.

WE feel considerable concern in soliciting the particular attention of your honourable Court to a Memorial which has been addressed to the Supreme Government, by the Honourable Lieutenant Colonel St. Leger, an officer belonging to the Native Cavalry of this Establishment; and also to the Minutes which have been recorded by Lord William Bentinck, and by the Commander in Chief, in explanation of the grounds of complaint exhibited in that Memorial. No. 8.

584.—It will be observed in those Papers, that a Memorial was addressed to this Government by the Honourable Lieutenant Colonel St. Leger, at a very early period after his late return to India, stating his pretensions to the appointment of Inspector of Cavalry on this Establishment, in preference to those of Lieutenant Colonel Gillespie, who was selected for that station, from the opinion which was entertained of his qualifications for the performance of its duties, and as a recompence for the signal service rendered by that officer to his Country, at the momentous crisis of the Mutiny at Vellore. Without intending any disparagement to the Honourable Lieutenant Colonel St. Leger, it did not appear to us, that his claims were sufficient to invalidate the circumstances under which Lieutenant Colonel Gillespie had, by an atchievement of the highest importance, recommended himself to the public attention; and we were not prepared to yield to the improper, not to say indecent precipitancy of Lieutenant Colonel St. Leger, who had then scarcely landed on his return from England, by depriving Lieutenant Colonel Gillespie of those honours which had been conferred upon him. In a Minute which was recorded by Lord William Bentinck, his Lordship appeared, in our judgments, to state reasons sufficiently forcible to forbid the adoption of such a measure.

585.—In the Memorial addressed to the Supreme Government, the Honourable Lieutenant Colonel St. Leger deemed himself at liberty to take a more extensive range of alledged grievances; and after slightly adverting to the particular object, which had formed the ground of his Memorial to this Government, that officer placed himself in the character of a defender of the general interests of the Company's Army, without any apparent authority from the officers, whose particular cause he pretended to support.

586.—We trust, that we need not express the readiness which we shall always feel in bestowing just attention to any well-founded cause of complaint, that may be brought before us, and our sincere disposition to uphold the interests of every part of the Army committed to our authority. That such has been the principle which has guided the conduct of this Government, will be manifest from the documents to which we have referred. From those Papers, and particularly from the Minutes of the Commander in Chief, dated the 27th August last, it will be apparent, that the distribution of the Military Commands under this Government had been regulated with the strictest impartiality; and that the advantages of command enjoyed by His Majesty's officers, in relation to those of the Company, are no more than those to which they are justly entitled, while the pecuniary benefits enjoyed by the latter, far exceed what it is possible for His Majesty's officers, under the constitution of the Indian Army, to hope for.

587.—We consider the agitation of such subjects to be attended with great delicacy, and we feel particular regret, that they should, at this moment, have been

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been forced upon our attention, or on that of the Supreme Government, as there can be no mode more effectually calculated for the revival of the unhappy feuds, by which this part of the British Dominions was so long distracted and endangered. As, however, the Honourable Lieutenant Colonel St. Leger judged it proper to appeal to the authority of the Supreme Government, we have thought it necessary, that the appeal should not be unaccompanied by such documents as would evince the fallacy of the grounds on which that officer had intruded himself on the public notice; as well as the dangerous tendency of the discussion, which he had been eager to promote. With regard to the disrespectful and injurious terms, as affecting this Government, in which the appeal of Lieutenant Colonel St. Leger was conveyed, we informed the Governor General in Council, that we should offer no comments, being satisfied of the disposition of his Lordship in Council, to afford to our authority that degree of support which is necessary for the suppression of insult.

588.—We shall only add, that though impressed with the strongest sense of the dangerous tendency of the inflammatory and factious proceedings pursued by the Honourable Lieutenant Colonel St. Leger, we have, for the present, adopted no farther step than the measure of directing that officer to leave the Presidency, and to join his Regiment.

589.—We are concerned to have occasion to draw your attention to a farther circumstance, which, though not of the same offensive nature as that which occurred in respect to Lieutenant Colonel St. Leger, was sufficient to call for our strong disapprobation. We allude to a very disrespectful application, which was addressed to us by Lieutenant Colonel Alexander Cuppage, of the Native Infantry, stating his request to be permitted to proceed to England, and assigning as his motive certain supposed grievances, which he considered himself to have suffered, and particularly the being turned out of the command " of Nundydroog."

590.—It was a fact of general notoriety, that it was the intention of Lieutenant Colonel Alexander Cuppage to avail himself of the earliest opportunity to proceed to England; and the application of that officer for leave of absence has reached the Commander in Chief. About that time, Lieutenant Colonel Hare, of His Majesty's 22d Dragoons, had arrived from England, and, as senior officer of that Regiment, he would have superseded Lieutenant Colonel Davis, who then commanded at Bangalore, where the 22d Dragoons was stationed; a measure which was not desirable, on account of the satisfactory manner in which Colonel Davis had conducted himself in a command of particular importance, and on account of his general qualifications for a station of public trust.

591.—In order, therefore, to reconcile this difficulty, it was thought advisable that Lieutenant Colonel Hare, on whom the command of His Majesty's 22d Dragoons necessarily devolved, should be appointed to the command of Nundydroog, a station near to Bangalore, and well adapted for its salubrity to the health of European Troops, to which station it was accordingly determined that the 22d Dragoons should be removed.

592.—The execution of this arrangement was only postponed until the command of Nundydroog should be vacated by Lieutenant Colonel Alexander Cuppage, and the application for leave of absence, which had been addressed by that officer to the Commander in Chief, being considered to remove all difficulty, Lord William Bentinck felt no hesitation in proposing the nomination of Lieutenant Colonel Hare, without entertaining the remotest intention of disrespect towards Colonel Cuppage, who was understood to have vacated the command in the view of immediately embarking for Europe.

593.—The whole circumstances of Colonel Alexander Cuppage's conduct having been fully explained in the Minutes of Lord William Bentinck and the Commander in Chief, to which we refer you, we considered the disrespectful tenor of his address to be so unqualified and unprovoked, as to merit the expression of our strongest disapprobation. We accordingly recorded these sentiments, and decided against taking into consideration the application of Colonel Cuppage for leave to proceed to Europe, until it should be submitted in more respectful terms.

594.—Particular pains were taken by Lord William Bentinck, in various personal communications, to impress on Lieutenant Colonel Cuppage a more correct

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rect sense of his duty, and we are happy to say that these endeavours were not ineffectual, as a farther Letter was received from that officer, expressed in the language of regret for his conduct.

595.—We certainly must always feel the greatest regret, when the necessity is imposed upon us, of recording a public censure on any officer particularly on one who can claim the merit of long services; and we must always be happy when it is in our power to entertain more favourable sentiments. But the circumstances, under which it became a duty in us to express our decided disapprobation of the conduct of Lieutenant Colonel Cuppage, rendered it improper in our judgments, notwithstanding the respectful declarations afterwards submitted by that officer, to annul the censure which we had passed.

596.—Considering the publicity which had been given to the imaginary grievances of Lieutenant Colonel Cuppage, we deemed it highly proper that they should appear before your honourable Court, in the terms in which he had represented them, accompanied by the refutation which they had received, and by our own unanimous disapprobation.

597.—We however resolved, that in representing to your honourable Court the improper conduct of Lieutenant Colonel Cuppage, we would not fail to notice, at the same time, the explanation of that officer, which had been recorded.

598.—It is not irrelevant to observe, that we have felt it our particular duty to bring to your notice, the occurrences which we have described, in regard to the Honourable Lieutenant Colonel St. Leger and Lieutenant Colonel A. Cuppage, as it cannot be denied that a spirit of insubordination and cabal has lately shewn itself among several of your officers, which must be dangerous to all armies, and which, after the events that have agitated the Native Army of this Presidency, might lead to consequences of the most fatal nature. We have been led to observe, that those persons are frequently most forward in such reprehensible proceedings, who have most abundantly shared the advantages of the public favours; and we are satisfied, that nothing but a firm determination to resist and to punish every appearance of disrespect to the public authority, can uphold that degree of discipline which is essential to the existence of your Army.

728.—THE Officer commanding the Army having forwarded to us a Memorial, addressed to your honourable Court by Lieutenant Colonel A. Cuppage, we have accordingly transmitted that Memorial in the Packet.

729.—From the sentiments which we have already expressed, regarding the conduct of Lieutenant Colonel Cuppage, it is not necessary that we should now add any particular observation on the subject of the Memorial now laid before you. After the acknowledgments which had been made by Lieutenant Colonel Cuppage, with respect to his offensive conduct, we confess, that we were not prepared for the revival of the question, in the shape in which it now appears; and that officer has shewn himself capable of the disingenuous part of affecting a tone of submission or of arrogance, as may be best adapted to the success of his temporary purposes.

730.—We consider the whole tenor of the conduct of Lieutenant Colonel Cuppage, as well as the tenor of the Memorial now transmitted, to evince a mind envious of the preferment of officers of merit, superior to his own; and to manifest that moroseness of temper, for which that officer is sufficiently notorious.

731.—We have already stated, that a very dangerous spirit of cabal has shewn itself among several officers in your Army. This feeling has been greatly inflamed, by the impunity with which the Honourable Lieutenant Colonel St. Leger has been hitherto enabled to brave, and to insult the authority of this Government; for it is with concern that we observe, in addition to the explanation which we have already given, regarding the conduct of that officer, that every means of the most public nature have been taken at some of the principal Military Stations, to hold up Lieutenant Colonel St. Leger as the champion of the rights of the Company's Army, and as one, whose example calls for general imitation. It is sufficiently evident, that that is the example which

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Lieutenant Colonel Cuppage is now studious to follow; and after the attainment of independence in your Service, under circumstances of greater ease and advantage than most officers have been fortunate enough to enjoy, he is actuated by the miserable hope of rising to notice by the pretended assertion of rights which he does not possess, and by a pretended statement of grievances, which he does not feel.

732.—We should think it necessary to apologize to your honourable Court for so particularly addressing you on a subject in itself obscure, and unimportant, were we not strongly impressed with the necessity of discouraging, by every means, such factious proceedings, as generally lead to consequences of dangerous extremity. This is a discussion in which we can have no personal interest, as the distinguished personages, chiefly concerned in its origin, do not now form a part of our Councils; and we may claim the merit of sincerity, in conveying to your honourable Court our earnest opinion, that the conduct of Lieutenant Colonel Cuppage calls for your marked disapprobation; and that any encouragement of the groundless pretensions of that officer, may be fatal to the discipline and interests of your Army.

No. 9.

RETURN to an Order, requiring Copies, or Extracts of Letters from Lord MINTO to Sir GEORGE BARLOW, dated 25 April 1809;—from Lord MINTO to the Secret Committee, dated 27 December 1809, and 5 February and 15 April 1810:—Vizt.

(No. 1.)—RETURN to that part of the Order, which requires Copies or Extracts of Letters from Lord MINTO to Sir GEORGE BARLOW, dated 25th April 1809:—And

(No. 2. 3. & 4.)—Extracts from the Governor General's LETTERS to the Secret Committee, dated the 27th December 1809, and 5th February and 15th April 1810.

(No 1.)—RETURN to that part of an Order, of the Honourable the House of Commons, dated the 4th March 1811; requiring Copies or Extracts of Letters from Lord MINTO to Sir GEORGE BARLOW, dated 25th April 1809. **No. 9.**

NO Letter, from Lord Minto to Sir George Barlow, of the above date, has been received.

(No. 2.)—Extract from the Governor General's LETTER to the Secret Committee; dated Fort St. George, the 27th December 1809.

Para. 1.—THE honourable Company's extra ships, Ocean and Devaynes, having touched unexpectedly at Madras on their passage from Bengal to England, I cannot enter as largely as I propose to do by the regular Fleet, into the interesting affairs of this Presidency; but I seize the opportunity of conveying the satisfactory information to your honourable Committee, that the late troubles are entirely composed, and that the most perfect tranquillity continues to prevail. I should indeed have thought myself at liberty to return to Bengal at an earlier period, if I had not judged it expedient to remain at Fort St. George, until the trials of Lieutenant Colonel Bell, Major Storey, and Lieutenant Colonel Doveton are concluded. These three cases had been selected, as your honourable Committee will observe, by a reference to my General Order of the 25th of September, as furnishing a suitable occasion to impress, by a striking and awful example on the minds of this Army, the guilt and danger of military revolt. It has appeared to me an important branch of the duty, which called me from Bengal, to supply by my presence, the sanction of the Supreme Authority in India, to whatever result the proceedings of the Courts Martial might ultimately appear to require.

2.—A greater delay has taken place in those proceedings than I foresaw at the date of the last Dispatch I had the honor to address to your honourable Committee. The trial of Lieutenant Colonel Bell was not closed till the 9th of December. The proceedings against Major Storey have not advanced beyond the preliminary steps; and the trial of Lieutenant Colonel Doveton cannot be expected to be closed before the end of January.

3.—I have the honor to enclose a Copy of the Crime, and of the Sentence of the Court Martial in the case of Lieutenant Colonel Bell.

4.—It has been judged expedient not to publish this Sentence until the proceedings are closed against Major Storey and Lieutenant Colonel Doveton, and it will then become a subject of deliberation, whether any observation should be made, either by the officer commanding the Army at Fort St. George, or by Government, concerning the nature and effect of the sentences. I should, on that account, be desirous of suspending till the same period, any remarks I may think it my duty to submit to your honourable Committee on any part of the subject.

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5.—I shall consider myself also as more ripe, after the publication of these sentences, to speak of the real disposition of the officers of this Army. In the mean while, I may confidently assure you that practically the obedience and subordination of the Coast Army has been essentially confirmed by the result of the late events, and stands upon a more secure foundation than perhaps at any former period. I am well convinced that no support will hereafter be given to any project of revolt against the Government, or of disobedience to military command, and that together with these essential points of subordination, the Army of the Coast may be thoroughly relied upon for those exertions in the field, and in the discharge of all their actual duties, which have ever distinguished them.

No. 3.—Extracts of LETTER from Lord MINTO, Governor General, to the Secret Committee of the Court of Directors; dated 5th February 1810.

Para. 14.—WITH regard to the specific events we are now considering, I am somewhat at a loss to fix a precise date for their commencement. The discontents of the Coast Army have prevailed with little interruption, and with so much continuity, beginning, for the sake of brevity, no higher than with General Stewart's command, and proceeding through that of Sir J. Craddock to the present hour, that it is difficult to fix a distinct period for the events in which we are immediately concerned, or to separate the present from the past. I could not, however, err much by dating from the arrival of General M^{c} Dowall, as Commander in Chief upon the Coast, the origin of those commotions which broke out under his auspices.

15.—Few men, I believe, have applied themselves with more diligence or ability than Sir John Craddock, to unite the improvement of all military establishments with the great object of public economy, within the range of his command. But the plans, which at his suggestion and in communication with him were approved by the Government of Fort St. George, could not be carried into effect during the period of his command, and their execution formed an early feature of Sir George Barlow's Government. However beneficial to your service these measures were, they abridged some emoluments which the officers had been accustomed to enjoy, and gave great dissatisfaction to the Army. These circumstances would have alone afforded an inauspicious opening to the new Government of Sir George Barlow. But I am under the necessity of avowing, with infinite regret, another very operating principle of those discontents, which have since matured themselves gradually, but without interruption, into the extremes of public disorder. I allude to the unjust, but very general and vehement prejudices, entertained against the person and character of Sir George Barlow, which may have been, in some degree, the unavoidable, but were certainly the unmerited consequence of his firm and faithful discharge of ungracious and unpopular, but sacred and essential duties, not sought nor relished by himself, but cast by circumstances, peculiar to the times, on the period of his Administration in Bengal. It is this consideration, I confess, which has added to a sense of duty a lively feeling of satisfaction and zeal in the uniform and unqualified support which I have had occasion to furnish to that distinguished person against persecution and obloquy aimed at his virtues, and inflamed by the steady exercise of qualities which entitled him to respect and esteem. But I should not faithfully discharge the duties of my present trust, if I were to exclude the unpopularity which accompanied Sir George Barlow to Fort St. George, from the enumeration I have been making of the principal elements of the past commotions.

16.—Such were the materials placed in the hand of any one who might wish, under the Presidency of Fort St. George, to employ the discontents of an army in promoting views or gratifying passions of his own. That the disposition and designs of Lieutenant General M^{c} Dowall have answered to that description, his conduct has not left the possibility of doubting. His influence will be distinctly felt, and will indeed clearly detect itself in every stage of the events which I am about to consider.

17.—The occurence which may be regarded as standing first in order of time amongst the insubordinate acts of the period we have chosen, was the circulation for signature of a proposed Memorial, to be addressed, in the name of the Coast Army, to the Governor General in Council, demanding an equalization of

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allowances with the Army of Bengal. That attempt to establish a military combination, for the pursuit of objects connected with emolument, is traced, by positive proof, to a date as early as May 1808, when it came to the knowledge of the Governor of Madras. But its origin has been stated to have been almost a year earlier. Upon the first discovery of this intrigue, a correspondence took place between the Governor and the Commander in Chief, in which the latter entered, in concert with the former, into a consideration of the best means to oppose and counteract the scheme; and the Commander in Chief appeared to concur in the measures of Government for so salutary a purpose. The Commander in Chief addressed a Letter to the officers commanding the different divisions of the Army, tending to dissuade the officers from any participation in the plan which was on foot, and enjoining vigilance in the prevention of its progress. This circular Letter of the Commander in Chief was indeed extremely conformable to the sentiments conveyed to him in the correspondence of the Governor. The circular Letter from Head Quarters, which was dispatched before the end of May, appeared to produce a good effect, and a hope was entertained, that in consequence of this discouragement the plan had been dropt. Soon afterwards, however, there was reason to apprehend that the interposition of the Commander in Chief had not in reality suppressed the proceeding, but only given occasion to caution and secrecy in conducting it. In July the Governor obtained information that the design was still pursued. So far, however, all would have seemed correct on the part of the Commander in Chief. It is, therefore, with surprize and with concern that one is constrained to see the culpable views of that person develope themselves even thus early, and to observe in his conduct a real co-operation with the insubordinate spirit of the Army he commanded, attending hand in hand the formal measures he affected to pursue in opposition to it. Your honourable Committee has already been informed that at this very early period General M^{c} Dowall was acquainting the officers, in personal and convivial communications, that his circular Letters were merely official, written at the requisition of Government, but not expressing his own sentiments, and that he wished them success in their pursuit. For the further satisfaction of your honourable Committee on this remarkable passage in the conduct of Lieutenant General M^{c} Dowall, I am induced to transmit, as an enclosure in this Dispatch, a copy of the Correspondence which passed between the Governor and Head Quarters on that occasion. The most material Paper, undoubtedly, is General M^{c} Dowall's Letter to Sir George Barlow of the 16th of May 1808; and I cannot refrain from calling your attention to an observation or two, which the perusal of this Paper strongly suggested to my own mind. In the very act of concerting with the Governor the means of repressing a combination, the insubordinate character and dangerous tendency of which he acknowledges in strong terms, he indulges himself in an enumeration of military grievances, amongst which is his own exclusion from Council; which, if addressed in the same language to any other quarter, was calculated, not to repress a particular act of insubordination, but to excite a general mutiny.

"Many people are likely to view the present application as a futile and puerile "attempt, and unworthy of further notice; but my judgment and experience "leads me to believe that the seeds of discontent are very widely disseminated, "and almost every individual in the service is more or less dissatisfied. Every "man must be sensible of the causes which have led to this position: the abo- "lition of the Bazar fund, first and last; the degradation of the Military cha- "racter, from the Commander in Chief to the youngest Ensign; the late "reductions, and especially the abrogation of the Tent Contract, are among other "prominent features; and I must lament the expediency which occasioned these "disgusting measures."

18.—It may no doubt be replied, that a determination to do his duty in putting down irregular attempts to seek redress, was not incompatable with a lively sense of the injury, and was on that account only the more meritorious. But I cannot help feeling, that the strong sympathy which breaks forth in this Letter with the discontents, unfounded too as surely some of them at least are, of those whom he is professing to controul, affords countenance to the imputation which afterwards fell upon the sincerity of those professions. And I can as little resist the impression naturally I think made by the introduction into this Paper, of the Bengal commotion of 1796, addressed as it is in terms *ad hominem*, that is to say, to an ocular witness of a successful struggle maintained by an Army against

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Government, and conveying therefore a very significant memento in favour of perseverance on one part, and concession on the other. The Letter, which is the subject of these observations, was indeed addressed to Sir George Barlow, and not to the Army. But I hazard nothing in saying that reserve or discretion were not the characters of General Mc Dowall's conversation; and that sentiments which burst forth in the impassioned tone of some passages of his Letter to Sir George Barlow, were not likely to be suppressed in his communications with other men.

19.—If there is any justice in these remarks, I would only add, that they prepare us for the fact, extraordinary as it is, which afterwards disclosed itself, of General Mc Dowall's being employed in counteracting, in the manner already specified, his own circular Letter, prohibiting the Memorial in question at the very moment of issuing that prohibition.

20.—The deliberate intention of Lieutenant General Mc Dowall, to make the Army an instrument of opposition and disturbance to the Government of Fort St. George, forms so remarkable a feature, and proved so operative a cause in the events under review, that I feel the propriety of establishing so material a point before I enter on the discussions to which they gave rise. There are facts connected with this proposition, the very notoriety of which stands in the way of rigorous proof. The conversation of a General Officer at his own table, to officers of an Army under his command, is no indifferent thing, and if it should uniformly convey sentiments hostile to the Government he serves, clothed in language disrespectful and contemptuous, the impression made upon such an audience can hardly fail of being very powerful, and very prejudicial to the public interests: yet it is not likely that such transitory matter should be retained or recorded with sufficient correctness to take the form of proof. On this general point of conduct, I, who can have no personal knowledge of it, can only rest my own judgment on my report to others upon the accordant assurances of those whose means of knowledge has been such, and whose personal credit is, in my judgment, so much beyond question, that I can neither resist a personal conviction, nor think myself at liberty to withhold from you the expression of my belief, that the conduct of Lieutenant General Mc Dowall was certainly such as it has been above described. Another difficulty, in the way of rigorous proof on such subjects, is the unwillingness of those who are capable of furnishing it, and who have actually done so confidentially and under the condition of secrecy, to commit their names to information of this description. I am, therefore, under the necessity of claiming personal credit with you, in saying that the fact is too positively asserted, and generally known here to leave the shadow of a doubt upon my mind; and that some specific instances of the conduct I have described have been related to myself by persons entitled to implicit faith, who were themselves witnesses of what they reported.

21.—I may refer, as a confirmation of general repute, though not as constituting by itself strict or sufficient evidence, to the extract of a Letter from an officer of rank and of most respectable character, who does not himself suspect that it has fallen under the notice of Government, written indeed before the difference between the Army and Sir George Barlow had broken out openly.

"The Memorial you allude to has been suppressed, at least they tell me so at "this place. I wrote you before that it was brought to me by Colonel St. Leger "for signature, but, without knowing its contents, I determined in my own mind "to have nothing to say to it. On perusing it I was still more of that "way of thinking. I even represented, that its purport militated against its "own object; that in place of being of any service to General Mc Dowall, it "would forcibly impress upon the minds of all thinking people, the dangerous, not "to say mutinous, spirit he excited in the Army against the very Government "that it was their bounden duty to support. That it was not for them to step "forward to offer an opinion, much less to decide upon a point at issue between "the Government and the Commander of the Forces. But they have a strange "jumbled idea of military subordination; they talk of their rights as they would "of a landed property secured to them by a legal grant. It is almost time they "were undeceived on this head, even for their own security, as well as the tran-"quility of the State."

"I am

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"I am persuaded their own Corps would march them prisoners to Head Quar-
" ters on proper measures being previously adopted, but I trust this is an expe-
" dient that never will be resorted to." From this document, the impression made upon impartial minds of the general character and tendency of Lieutenant General M'Dowall's conduct may be collected.

22.—Your honourable Committee cannot have failed to remark, in the proceedings officially transmitted by this Government, and even in some instances from Bengal, frequent and irresistible proof, that in his official communications with Government on the affairs of the Army, and the general business of his department, he uniformly assumed a declamatory vapouring style, totally uncalled for by the occasion, and unlike the tone of ordinary business, but calculated to flatter the passions or the vanity of the Army, and, above all, to convey an impression that he was the champion of their rights and interests, against the hostile dispositions of Government. But it is unnecessary to dwell on these general indications of the views imputed to that officer. He has relieved the case from all difficulty, in point of proof, by clear and solemn acts done openly, or attested under his own hand.

23.—I must first refer to a speech, addressed by Lieutenant General M'Dowall as Commander in Chief to the Commandant of the Madras European Regiment at Masulipatam on the 24th December 1808. This speech was delivered on the occasion of a review of the Regiment to the commanding officer then at the head of it; it was printed in a periodical publication at Madras, from which the copy now annexed is transcribed. It requires no comment; and I shall only observe, that it is adduced as one example of the means employed, habitually, by Lieutenant General M'Dowall to foment discontent in the Army, and to exalt his own popularity with that body, at the expence of the most obvious duties of his station, and interests of the public. It affords, also, a very clear specimen of the practices imputed to him on the tour he was then making to the several stations of the Army.

24.—On the return of Lieutenant General M'Dowall to the Presidency, from the tour just mentioned, he abstained altogether from any personal communication with Sir George Barlow, neglecting, or rather systematically refraining, even from the common visits of ceremony, and withholding the most usual observances of exterior respect due to his station. It was at this period that he openly countenanced the charges preferred against Lieutenant Colonel Munro, Quartermaster General, for his Memorial on the Tent Contract, by placing that officer in arrest, with the view of his being tried by Court Martial upon that absurd and scandalous accusation. He persisted in that oppressive proceeding, notwithstanding the just reclamation of Lieutenant Colonel Munro.

25.—I have said on a former occasion, that he did so, notwithstanding the declaration of the officers who had preferred the charges; that in consequence of the opinion delivered by the Judge Advocate General of their illegality, they were desirous of withdrawing them. It has been repeatedly said, in the course of these controversies, that I had been misinformed on that point, and that the officers had never expressed any such intention. I am, therefore, desirous of acquainting your honourable Committee with the grounds on which that assertion stands. I have only to refer your honourable Committee to a Memorial, addressed by those officers to the honourable Court of Directors, without date, and to a Letter addressed by the Commander in Chief to the Chief Secretary, dated the 28th January 1809, requesting him to lay the Memorial before the Governor in Council, with a view to its being forwarded to the honourable Court. Copy of the Memorial is already before the honourable Committee, and is annexed to this Dispatch; but the paragraph to which I more particularly allude, in this place, is the following: "Your Memorialists have to state to your honourable Court, that in
" consequence of this notification, feeling the injury done them by the insinuations
" in the Quartermaster General's Minute, they adopted the means of redress
" which appeared to them to be most consistent with their ideas of justice, and
" with the duty they owe to their Superiors, submitted to their immediate principal,
" the Commander in Chief, the substance of their complaints in the form of a
" Military Charge; but finding that the mode was considered by the Judge Advo-
" cate General to be irregular and ineffectual towards the vindication of their
" injured feelings, they respectfully abide by that opinion for the present, and have

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" solicited a suspension of the direct charge against the individual, while they " appealed to the candour and justice of your honourable Court, trusting it may " please you to order an investigation of the subject, as from an investigation alone " can they hope for a removal of the disgraceful impression which the insinuations " in the Quartermaster General's proposals are calculated to produce, and which " your Memorialists, in confidence, beg to assure your honourable Court are equally " unfounded in fact, as they are injurious to the character of the officers of the " honourable Company's Army." Your honourable Committee will perceive, that the Memorial just adverted to fully justified the passage alluded to in the Letter of the Governor General in Council to the Government of Madras of the 27th May 1809, the pretended falsehood of which has been used, to discredit the whole of the information on which my opinions may have been formed respecting the proceedings of the Coast Army.

26.—It is proper to observe at the same time, that Lieutenant General M'Dowall states, in his Letter to the Chief Secretary of the 28th January, just adverted to, " That he had not seen the Memorial at the time he directed " Lieutenant Colonel Munro to be placed under an arrest upon charges pre- " ferred against him by these officers." If Lieutenant General M'Dowall was ignorant, as he appears to have been from the words just quoted of the Memorial, and if the officers commanding Native Battalions, who signed that Memorial, had not, agreeable to its tenour, " solicited (of the Commander in Chief) a sus- " pension of the direct charge against the individual," (in consequence of the Judge Advocate's opinion that it was illegal) not only before the order to place Lieutenant Colonel Munro in arrest, but also before his refusal to release him, which, however, is not distinctly asserted, Lieutenant General M'Dowall will, in so far, stand acquitted of the aggravation which a knowledge of the wish expressed by the Memorialists to withdraw, or, what for the present purpose amounts to the same thing, to *suspend* the prosecution of their charges, would have attached to his conduct. It is therefore proper that I should observe, in this place, that Lieutenant General M'Dowall's Letter of the 28th January had not been transmitted to me, and that I was ignorant of the allegation contained in the passage lately referred to, when the Letter of the 21st May was written by the Supreme Government to the Governor in Council at Fort St. George. But, in truth, the countenance which Lieutenant General M'Dowall gave to that iniquitous proceeding, by placing Lieutenant Colonel Munro in arrest, and by his deliberate perseverance in that injustice, after his own perusal of the Judge Advocate General's opinion, which he had himself called for, and after he had leisure to reflect on the measure in which he was engaged, and on the representations made by Lieutenant Colonel Munro against it, need no aggravation, from collateral circumstances, to stamp on his conduct the character of factious combination with the officers under his command, against the objects of their private resentment, and against the Government of Fort St. George.

27.—The next measure of Lieutenant General M'Dowall was to present to the Governor in Council, the Memorial addressed to the honourable Court of Directors, in the name of the officers of the Coast Army, dated in January 1809. That Memorial is before you, and if it be compared with the Memorial intended to be addressed to the Governor General in Council in May 1808, it will be difficult to reconcile a sincere opposition to the Paper last mentioned, as expressed in the Commander in Chief's Circular Letter, with a direct countenance of the Memorial of January 1809. It is impossible to resist the conviction carried home to the mind by the latter transaction, that the pretended discouragement of the former conveyed, as he is charged with having said himself, only official pretences, contrary to his own sentiments, or rather to his own inclinations and purposes. But whatever influence the undisputed fact now alluded to, I mean the General's rendering himself the channel of the Memorial of 1809 to the Court of Directors, may have on any former question, I leave it to your honourable Committee to judge of the disposition and designs of Lieutenant General M'Dowall at the time when he promoted and forwarded to Government, in terms of support and approbation, this last Memorial.

28.—If the transactions I have just observed upon could leave any doubt of Lieutenant General M'Dowall's determination, to excite sedition in the Army, I have only to request your honourable Committee to read once more with attention, and with a view to that question, his General Order at taking leave of the Army,

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Army, issued the 28th January, and his General Order of 31st January, purporting to be a reprimand to Lieutenant Colonel Munro. The first of these Papers *appeals to the Army*, the question of his exclusion from Council; the second sends to the same tribunal the discussion of the respective powers of the Government and the Commander in Chief, and virtually the whole question of the Tent Contract. I cannot convey the sentiments irresistibly impressed upon my own mind by these proceedings, in stronger or clearer language than by transcribing a passage in a Letter written by Brigadier General Malcolm to Lieutenant Colonel Barclay, for the information of Sir George Barlow, from Bombay under date 11th February 1809.

(Private.)

Extract of a Private Letter from Brigadier General Malcolm to Lieutenant Colonel Barclay, dated 11th February 1809.

"I feel obliged to congratulate myself at my absence from your side of "India; for to be forced to witness, without having the power to remedy, such "scenes as you have had at Madras, must be terrible. I judge only from report, "and the Commander in Chief's Orders, particularly that about Munro, which "appears the boldest and most extraordinary attack upon Government I ever "knew. It is all levelled direct at Government, for they have evidently taken "Munro's cause upon themselves.

"I know not what others may think, but I can find no excuse for a man in high "station, allowing his private feelings, however much they may have been "wounded, to make him forget his public duty, and set an example of that con- "tumely and insubordination, which it is his particular duty to repress. There is "no calculating the mischief of such proceedings—It is waving a torch over a "magazine."

29.—If these latter proceedings, by which I mean the arrest of Lieutenant Colonel Munro, the strong patronage afforded in various ways to the Memorial to the Court of Directors, and the two parting Addresses to the Army, are thought to demonstrate, as I do not doubt they must, a determination at that time to instigate in the Army he left behind him factious animosity, and seditious designs against the Government of Fort St. George, then they must operate back to confirm and fortify the less defined and more general evidence of the same conduct which has been touched upon in its proper place, conduct, indeed; which characterizes every period of his command.

30.—It has been asserted by General Mc Dowall and his partizans, as a matter of accusation against Sir George Barlow, that military arrangements were conducted without any concert or communication with the Commander in Chief; and it has been especially alledged, that such was the case with respect to the arrangements adopted for the settlement of the disturbances which broke out in Travancore in the end of 1808 and commencement of 1809. To shew to your honourable Committee how unfounded this assertion is, I do myself the honour to transmit enclosed Copies of the Dispatches addressed to Lieutenant General Mc Dowall, under the orders of the Government of Fort St. George, at the period when the state of affairs in Travancore first called for military preparations. You will perceive from these documents, that ample communications respecting the arrangements then determined on were made to him without delay. It is necessary to advert to the circumstance, that General Mc Dowall was, at that time, at a distance from the Presidency in the Northern Circars. It can never be supposed, for a moment, that the Government ought to have deferred the adoption of measures, urgently demanded by the extraordinary crisis of affairs then existing, until the uncertain return of General Mc Dowall to the Presidency; or that it ought to have awaited the result of a tedious correspondence with that officer, and have retarded the issuing of the necessary Orders until his reply could be received to numberless references or minute details. The occasion required decisive, vigorous, and instantaneous measures, and the Government would have been guilty of a great dereliction of its duty, if it had not adopted them without the least delay under the circumstance of General Mc Dowall's absence from the Presidency. All that could be done, with respect to the communication with him, was done. The arrangements which had become necessary were communicated to him as soon as adopted. It is known to your honourable Committee that the plan of operations against Travancore was relinquished for a time. When it afterwards became necessary to resume it, General Mc Dowall had returned to the Presidency. From the period of his

To the Commr in Chief, Lieut. Genl. Mc Dowall, 19th Dec. 1808, with Enclosures. 23d. Do. Do. 25th. Do. Do.

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return he had chosen to discontinue all personal intercourse with Sir George Barlow, to the extent of omitting those outward marks of respect and attention which were due to the situation of the Governor. It is needless to observe that such conduct was highly unbecoming, and peculiarly objectionable in a person of General Mc Dowall's rank and office; or that it could scarcely fail to deprive him of the confidence of the Government, and might naturally lead to that want of communication on the part of the Government, which, without cause, is asserted to have existed. But Sir George Barlow did not allow this behaviour to prevent his endeavouring to obtain the advice, concert, and co-operation of Lieutenant General Mc Dowall; for when new intelligence from Travancore, and the critical situation of the Subsidiary Force in that country demanded the immediate adoption of the most decided measures, Sir George Barlow sent Mr. Buchan, the Chief Secretary, to wait on General Mc Dowall with all the Papers connected with the subject, and to consult him on the plan to be pursued. Nothing could evince, in a more striking manner, the desire entertained by Sir George Barlow to communicate with General Mc Dowall, than this effort to obtain his advice and co-operation at a time when, by renouncing all personal intercourse with the Governor, General Mc Dowall rendered impracticable those confidential and frequent communications which are indispensible in concerting important measures. It is strange that General Mc Dowall should complain of want of communication and confidence when he himself refused to hold any personal communication with the Head of the Government. Mr. Buchan did not find General Mc Dowall at his house, as he had gone on a visit to a place at a considerable distance. Mr. Buchan, in consequence, made the communications with which he had been charged in writing.

From Lieut. Gen. McDowall to Mr. Buchan, (Private) received 15th Jan.

31.—General McDowall's reply, which is enclosed, is a satisfactory refutation of the unfounded assertion, that the military arrangements for the Travencore wars were conducted without being communicated to him. In it he acknowledges the receipt of two Letters from Mr. Buchan on Travencore affairs, in a manner which implies that the communications which they contained were very full. He does not require additional information on any point. He declines dwelling on the subject of the circumstances which had led to the necessity of vigorous measures, which is a proof that those circumstances had been made known to him. He states his opinion, that there can be no doubt that every measure of promtitude and vigour should be pursued, and promised his decided support to every movement tending to affect the object in view. He urges most earnestly that Lieutenant Colonel St. Leger may be appointed to the command of any Force that may be ordered from Trichinopoly towards Travencore, in preference to any other officer. He objects to some of the arrangements proposed by Sir George Barlow, and he recommends others as preferable.

32.—In consequence of this Letter, Colonel St. Leger was appointed by Sir George Barlow to the command of the Force which marched from Trichinopoly; and all the other suggestions contained in it, with one trifling exception, not affecting the operations against Travencore, were adopted; and General McDowall was desired to issue the orders for carrying the proposed movements of the Troops into effect.

The Commr in Chief, 15th Jan.
Lt Col. St. Leger, 16th Jan.
From Commr in Chief, 13th received 16th Jan.
To Commr in Chief, 17th Jan.
G. O. by Government, 17th Jan.
To Colonel St. Leger, 17th Jan.
From Commr in Chief, 16th.
To - ditto - 18th.
To - ditto - 19th.
To Lt Col. Gibbs, 21st.
To Officer commanding Malabar, 21st.
Report of Qr Master Genl 19th.
From Commr in Chief, 19th.
To - ditto - 22d.
To - ditto - 23d.
From ditto - 24th
To - ditto - 25th

33.—After such evidence as this, can it be said that General McDowall was not consulted, and that no communication was made to him respecting the movements of the Troops. The documents noted in the margin contain further Correspondence between the Government of Fort St. George and the Commander in Chief. It does not appear to me to be necessary to enter into detail upon all the groundless complaints brought forward by General McDowall, as I have no doubt that the accompanying Papers will convince your honourable Committee, that the Correspondence and Communications with him were conducted on the part of the Government of Fort St. George in conformity to established usage.

The Letters from the Commander in Chief of the 16th and 19th January, and those written in reply on the part of the Government on the 18th and 23rd of the same month, contain in substance the whole of this discussion. These have been already before you, but they also form enclosures in this Dispatch, as *they are some of the most important Documents connected with the subject.*

34.—One

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34.—One evident effect of the part taken by Lieutenant General M'Dowall, in fomenting the insubordinate spirit of the officers under his command, and countenancing their culpable measures, has been to create in their minds a confident expectation of success. The confidence would naturally result from the opinion which the conduct of the Commander in Chief must have led them to believe he entertained himself upon that point; and a body of men entirely ignorant of the sentiments likely to be entertained by those high authorities at home, from whom he taught them to expect support, could hardly fail to attach an easy credit to the assurances on that head, of which Lieutenant General M'Dowall was not sparing. I consider it as a great aggravation of his misconduct, that he should have presumed to associate the sacred name of His Majesty with his own criminal practices, and to render that revered and sovereign authority an instrument of designs calculated to promote the personal views, or gratify the private passions of individuals, at the expence of the interests and security of the whole British Empire.

35.—I have been the more solicitous to establish, in a manner which leaves no room for doubt, the character of Lieutenant General M'Dowall's conduct in his command, as its influence in the production of those events which appear now to have been the natural effects of such a cause, will, no doubt, furnish inferences extremely important in the decision of future and remedial measures.

36.—The presence of so powerful an agent in exciting military commotion, as the influence of a Commander in Chief directed to that purpose, must, in the first place, exonerate the Army itself of a very great portion of that guilt which must otherwise have been laid exclusively to their account. I have not neglected to present, in as clear and as strong a light as I have myself contemplated them, the pre-existing disposition to sentiments of discontent, and to insubordinate practices, which has been manifest in this Army, together with the causes to which that constitutional defect might be ascribed. But these elements of disorder might have remained inert, or their spontaneous fermentation, if I may use that figure, might have gone no further than the ineffectual circulation of some indiscreet Paper, if the Commander in Chief had not stirred up these materials of latent confusion, and kindled with infinite industry, and no inconsiderable skill, the flame, the destructive progress of which he could not fail to foresee, although he did not stay to witness it. If the passions of an Army, and all their feelings of personal interest, instead of being moderated in degree, and restrained within the bounds of reason and duty, are assiduously fanned and flattered by their Military Chief, authority, thus exercised, must not only possess the usual influence of such stations, but must assume powers approaching to fascination itself, and scarcely to be resisted. If a Commander in Chief, fixed by such means in the affections of his army, mix up a grievance of his own with theirs, and engage on his side all the sympathies of a common cause, his dominion over their minds and conduct becomes yet more absolute; and if to these means of seduction be added the union of their antipathies against the common object of their opposition and hostility, then a genuine spirit of party, that strongest passion of the human breast, and that most powerful director of human actions, composed of mutual attachments on one hand, and common aversion on the other, is established, and becomes the sole mover and ruler of events. When in such a contest a military body is one of the parties, and lawful government the other, the evils of the conflict, and the importance of the issue, need not be enlarged upon.

(No. 4.)—Extract of a LETTER from Lord MINTO, Governor General, to the Secret Committee of the Court of Directors, dated Fort St. George, 15th April 1810.

Para. 1.—THE Proceedings founded on the General Order of the 25th September having been brought to a conclusion, I have now the honour to report the result to your honourable Committee.

2.—The first trial was that of Lieutenant Colonel John Bell, on whom the following Sentence was passed:

"CHARGE."—Lieutenant Colonel John Bell of the Madras Artillery, and late commanding the Fort and Garrison of Seringapatam, charged by the officer commanding the Army, with having, in subversion of all good order and military discipline, and in violation of the Rules and Articles of War for the better

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government of the Company's Forces, joined in and headed a most dangerous and alarming Mutiny and Sedition, which took place in the said Garrison on and betwixt the 30th day of July last, and 23d of August following, during which period the Garrison fired on the Troops of His Majesty, and those of the Company, and their Ally the Rajah of Mysore, and seized on the Public Treasury; and he, Lieutenant Colonel John Bell declared his resolution not to deliver up the Fort and Garrison to the proper authorities.

"SENTENCE."—The Court are of opinion that the prisoner, Lieutenant Colonel John Bell, is guilty of the Charge preferred against him, which being in violation of the Articles of War, and subversive of good order and military discipline, they do sentence the said Lieutenant Colonel John Bell to be cashiered, and do further declare him unworthy of ever serving the honourable Company in any military capacity whatever.

3.—The officer commanding the Army justly considering this Sentence as altogether inadequate to the offence, as it had been established both by the evidence, and by the judgment of the Court, thought proper to return the Proceedings for revision; and his reasons for adopting that measure were stated in a Letter addressed, under the directions of Major General Gowdie, by the Judge Advocate-General at Fort St. George, to the Deputy Judge Advocate at Bangalore. The Court, however, adhered, on revision, to the same Sentence.

I have the honour to enclose, for the information of your honourable Committee, a printed Copy of the Proceedings.

4.—Major Storey was next tried, and I have the honour to transmit the Crime and Sentence in his case.

"CHARGES," 1st.—For Mutiny and Sedition, in having placed his Commanding Officer, Lieutenant Colonel Innes, in Arrest and Confinement on the 25th day of June last.

2nd.—For having mutinously and seditiously assumed the command of the Garrison of Masulipatam, and for having issued an Order, on or about the 2nd day of August last, for the Madras European Regiment, and the first Battalion 19th Regiment Native Infantry, to hold themselves in readiness for field service; and which said Order was issued with a view to resist and oppose the existing Government of Fort St. George.

3rd.—For having, in conjunction with Captain Andrews of the Madras European Regiment, affixed his name to a scandalous and infamous Paper, purporting to be an Address on behalf of the officers of the Garrison of Masulipatam, to the Right honourable his Excellency the Governor General, under date the 7th of August last, and which Address was transmitted by the two above named officers to Major General Pater, for the purpose of being forwarded to the Governor General.

"SENTENCE."—The Court are of opinion that the prisoner, Major Storey, is guilty of the 1st Charge preferred against him, and that he is guilty of the 1st part of the 2nd Charge, but not guilty of issuing the Order, as alleged in the latter part of the 2nd Charge; and the Court are also of opinion that he is guilty of the 3d Charge, all of which being in breach of the Articles of War, and subversive of good order and military discipline, they do sentence him, the said Major Storey, to be cashiered.

5.—This Sentence was accompanied by the unanimous recommendation of the Court in favour of Major Storey, as conveyed in the following Letter:

To Major General Gowdie, commanding the Army in Chief, &c. &c. &c.

Sir,

I HAVE, at the unanimous request of the Court Martial, of which I am the President, the honour to present the following Address:

The Court having performed the very painful, but necessary part of its duty, in passing sentence on the prisoner, do with most profound respect and submission, from some facts which have come to their knowledge during the proceedings of this Trial, and from many palliative circumstances in favour of the prisoner, recommend him to your consideration, as not unworthy of your humane clemency

and

and mercy, feeling every hope, that should such a very extraordinary and unprecedented forgiveness be granted to him, Major Storey would, from his well attested uniform good conduct, previous to the criminal transactions at Masulipatam, feel a most perfect and proper sense of such benign lenity, and might once again become a good and valuable officer to the honourable Company.

I have the honour to be, with very great respect,
Sir, Your most obedient humble servant,
(Signed) HENRY WARDE,
Major Gen[l] and President.

6.—The officer commanding the Army judged it proper to require a revision of this Sentence, as he had done of the former, and his objections to that judgment were conveyed in the same form as in the case of Lieutenant-Colonel Bell.

The Court again confirmed the Sentence.

I have the honour to enclose a printed Copy of these Proceedings.

7.—Lieutenant Colonel Doveton's Trial succeeded that of Major Storey. The Crime and Sentence are as follows:

"CHARGE." 1st.—For conduct subversive of all good order and military discipline, and in breach of the Rules and Articles of War for the better government of the Company's Forces, by having, in violation of his duty and the great trust reposed in him, as commanding a most important and critically situated frontier station, shamefully abandoned the post committed to his charge, by moving his detachment from the station of Jaulna on the 14th August last, and with a mutinous and seditious design against the existing Government of Fort St. George.

2nd.—For having, previously to his march, used endeavours to stir up and excite the Troops under his command to join in a Mutiny and Sedition against the existing Government of Fort St. George.

3rd.—For having affixed his name to a mutinous and seditious Paper, styled "The Declaration," expressive of the intentions with which the Force had commenced their march.

"SENTENCE."—The Court are of opinion that the prisoner, Lieutenant Colonel John Doveton, is not guilty of the Charges preferred against him; and do, in the most full and most honouranle manner, acquit him of all and every part thereof.

8.—Major General Gowdie again sent the Proceedings back for revision, accompanied, as in the former cases, with an exposition of his reasons for that measure, and the Court again refused to alter the Sentence.

The Proceedings on this Trial have also been printed, and are annexed to this Dispatch.

9.—The officer commanding the Army, strongly disapproving the acquittal of Lieutenant Colonel Doveton, issued the General Order of which a Copy is enclosed, and which will be found also in the 44th page of the printed Proceedings. He laid the whole before the Governor General in Council, to whom he addressed a Letter, a Copy of which is enclosed, and is printed with the Proceedings, recommending the suspension of Lieutenant Colonel Doveton from the exercise of his military functions, until the pleasure of the honourable Court of Directors should be signified, receiving his proper allowances during that interval.

10.—This Letter, and the Proceedings accompanying it, were fully and maturely deliberated upon by the Board, and a Resolution was passed to acquiesce in the recommendation of the Officer commanding the Army, and to transmit the Proceedings to the honourable Court by the earliest opportunity. It was at the same time judged expedient to publish this Resolution to the Army by a General Order in the name of Government, of which a Copy is enclosed, and which will be found also in the 45th page of the printed Proceedings.

11.—Lieutenant Colonel Munro has been since tried and cashiered. His Crime and Sentence are annexed.

The officer commanding the Army confirmed the Sentence.

No. 9.

Extracts Gov. Genl's. LETTERS.

12.—Major Kenny's trial succeeded, and he also has been cashiered. The Crime and Sentence are enclosed.

13.—The Sentence was confirmed by the officer commanding the Army.

14.—Your honourable Committee has already been informed of the names of the officers who, under the provisions of the General Order of the 25th September, made their options respectively for trial or dismission from the service.

15.—Of those who chose to stand their trial, Lieutenant Colonel Munro and Major Kenny have alone been tried. The remaining officers who had made that option, have now petitioned for permission to wave their trial, and to be dismissed, which has been granted.

16.—The whole Proceedings, therefore, under the General Order of 25th September, may be considered as closed.

No. 10.

Copy of PROCEEDINGS of the Court of Directors, on the 5th December 1809; regarding certain OFFICERS, suspended from the Service of the East India Company:—With the DISSENT of any Director thereupon.

No. 10.

AT a Court of DIRECTORS, held on Tuesday the 5th December 1809;

THE Court, pursuant to notice of the 1st instant, taking into consideration what further Proceedings may be proper, respecting the Officers lately suspended at Fort St. George; Proceedings of the Court of Directors, 5th Dec. 1809.

And the under-mentioned Particulars being read; viz.

The Court's Military Letter to Madras, dated the 29th September 1809:

The Military Letter from Madras to the Secret Committee, dated 13th May 1809:

Sir George Barlow's Minute, dated 1st May:

A Memorial, purporting to be from several officers of the Madras Establishment to the Governor General Lord Minto, dated January 1809:

An Address from D° to Major Thomas Boles:

IT was, on a Motion,

Resolved, by the Ballot, THAT the Court having, conformably to the intention expressed in the Military Letter of 29th September last to Fort St. George, resumed the consideration of the case of certain officers suspended from the service by that Government, on the grounds stated in their secret Letter of 13th May 1809, are of opinion,

That the offences with which those officers are charged, are of the most dangerous and criminal nature, subversive of all legitimate authority, and ought always to receive the severest punishment which the Court of Directors can inflict; since lenity in such a case to individuals, would prove most detrimental and pernicious to the general interests of the Army, the Indian Governments, and the Nation.

That, in the circumstances in which the Government of Fort St. George were placed, and under the conviction they had from evidences before them, the measures they adopted with respect to those officers were proper and necessary.

That those evidences, so far as they are brought before the Court, do appear clearly to establish the guilt of the different parties to whom they related, and to show them worthy of dismission.

That it is therefore proper to proceed to the act of dismission; and that, agreeably to the Standing Rule of the Service, which requires notice of a motion of a dismission, the Court do, on a future day, proceed to the said act; namely, the dismission of Lieutenant Colonel St. Leger, Major De Morgan, Captain Marshall, Captain Grant, and Lieutenant Colonel Martin; and in the mean time, that Lieutenant Colonel Martin, now at home, who was equally implicated, and upon the same evidence in the offence for which Captain Marshall was suspended, who would have been suspended in like manner had he been in India, and whom the Fort St. George Government recommend it to the Court to dismiss, with the other officers, be, until the final consideration of their case comes on, suspended as they are from the Company's Service.

East India House, 13th Dec. 1809.

To the Honourable the Court of Directors.

No. 10.

DISSENT of Mr. Hudleston, Mr. Pattison.

Gentlemen,

WE dissent from the Resolutions of the Court, passed on Tuesday the 5th instant, on the subject of the Officers suspended by the Madras Government: viz.

Lieutenant Colonel the honourable Arthur St. Leger:

Major John De Morgan:

Captain James Grant, and

Captain Josiah Marshall; and on the subject of Lieutenant Colonel George Martin, whom the said Government have recommended for dismission from the Company's Service:—

BECAUSE, to our astonishment and grief, the said Resolution pronounces on the guilt of those officers, and condemns them without a trial or a hearing, and pledges the Court "on a future day to proceed to the act of their dismission;" and it appears to us, that the dismission of any officer from the service of the Company, without bringing him to trial by a Court Martial, or hearing him in his defence, or making to him a communication of the charge preferred against him, and affording him an opportunity of repelling or answering it, would be a violation of the first and most sacred principle of justice, and an act of which we believe, no example is to be found, either in the records of the East India Company, or in the annals of the British nation; and in deprecating which, we only claim, on behalf of meritorious and distinguished officers of our Army, a privilege which the laws of England accord to the meanest criminal.

BECAUSE, such a procedure adopted, and founded on *ex parte* evidence, obtained and transmitted by the Madras Government at a period of universal ferment and agitation, would tend to confirm, rather than to allay the existing animosity between that Government and the Army; and to weaken that confidence on the impartial justice of the Court of Directors, which they must at all times wish to cherish, and which was perhaps never of more importance than at the present moment.

BECAUSE, nothing is to be gained, and in our apprehension, the most serious evils to be hazarded, by not waiting to hear what the officers accused may have to offer in their defence, since there is every reason to believe that four of them are now on their passage home, and the fifth, namely Lieutenant Colonel Martin, is already and has been for several months in England; and of course it has so long been, and still is, in the option of the Court, to inform him of the crime with which he is charged, and to hear him in his defence.

BECAUSE, even admitting that all stated in the last dispatches from Madras against the said officers, were to be considered as proved; it is, we conceive, impossible to say that they can offer nothing in palliation of their misconduct, or that would not be worthy of the consideration of the Court, in determining their judgment upon it.

BECAUSE, it is possible also, that circumstances may have occurred in India, subsequent to the date of the last dispatches, that may have induced the Governments both of Madras and Bengal to adopt healing measures, or measures of conciliation and lenity towards the misguided officers in general; in which case, the communication of such measures arriving subsequent to the Court's having passed the sentence of dismission, would involve the Court in great embarrassment, and subject them to the charge of having acted with great precipitation, as well as with extreme rigour.

BECAUSE, admitting, as we do in the fullest sense, that the Court of Directors, as Representatives of the East India Company, have, indisputably, a legal power to dismiss officers from the service of the Company without bringing them to trial by Court Martial, we are of opinion, that it is a power, the exercise of which is justifiable only in cases of extreme necessity; of enormous guilt, established and proved on the clearest and most incontrovertible evidence; and, above all, we contend that if, in such extreme cases, public expediency requires that a Company's officer should be precluded from the privilege of being tried by his Peers, it becomes in consequence,

No. 10.

DISSENT of Mr. Hudleston, Mr. Pattison.

quence, a still more sacred duty not to deprive him of his remaining privilege, a full and impartial hearing: but if ever a precedent should be established, for deciding on the honour and characters of officers, and consigning them to degradation and ruin without either a trial or hearing, we are of opinion, that from that moment there will no longer exist the best security for the attachment and confidence of that body of men, to whose brave and able exertions we have been principally indebted for all we have acquired in India, and on whom we still greatly depend for its preservation.

Upon these grounds, we desire to record our Dissent from the Resolution in question, and earnestly deprecate its being carried into effect; first, in the hope of inducing the Court to defer any actual proceeding upon it, until the Officers shall have arrived in this country, and been heard in their defence; and secondly, if we should fail in that hope, to exonerate ourselves from any responsibility for the consequences that may result from it to the interests of the Company, or to the credit of the Court of Directors.

(Signed) J. HUDDLESTON,
Js. PATTISON.

To the Honourable the Court of Directors.

DISSENT.

Gentlemen,

DISSENT of Mr. Bannerman.

CONSIDERING it my duty to record my Dissent from such resolutions as those which, on principles of public justice, I have vainly endeavoured to oppose, I hereby protest against the Resolution carried by the ballot on the 5th; declaring that measures adopted by the Government of Fort St. George, with respect to certain officers of that Establishment, were proper and necessary. That certain evidences, stated on the dispatches of the Government of Fort St. George, do appear clearly *to establish* the guilt of the different parties to whom they relate; and to shew them worthy of dismission.—It is therefore proper to proceed, on a future day, to the act of dismissing Lieutenant Colonel St. Leger, Major De Morgan, Captain Marshall, Captain Grant, and Lieutenant Colonel Martin; and suspending Lieutenant Colonel Martin from the service, until the final consideration of the case comes on.

I protest against the premature declaration of the propriety and necessity of the measures adopted by the Government of Madras, and against proceeding to the act of dismissing officers on the conviction which that Government had received from the evidence before them.

1st.—Because such declaration and procedure are acts of confidence in the wisdom of that Government, not warranted by any documents in the poſſeſſion of the Court.

2dly.—Because I consider the conduct of the Government of Fort St. George to have been mainly productive of that irritation, approaching to frenzy, which led to the late acts of insubordination in the Army under that Presidency.

Memorial is dated Dec. 1808.

Letter dated 29 Jan. 1809, Par. 30 & 31.

1st.—By their haughty and contemptuous rejection of a respectful Memorial, addressed to this Court by certain officers commanding corps, which Memorial, although reasoned on by the Government of Madras, in proof of the misconduct of the officers, has hitherto been absolutely suppressed, or withheld from the official knowledge of this Court.

2dly.—By the injustice of their suspension of Lieutenant Colonel Capper, and Major Boles, acts as crude and unsound in their principles, as rash and unnecessary in their application.

3dly.—I dissent, because, with the exception of one misapplied and ill-timed example, namely, the explanatory Order regarding Lieutenant Colonel Munro's Report, which, if published at the proper time, might have tranquilized the whole Army, no one instance occurs, from the beginning to the end of their dispatches, of the due exercise of authority being tempered by that spirit of conciliation, which, by respecting others, ensures respect for itself.

And

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DISSENT of Mr. Bannerman.

And finally, because a Government, deficient in that essential qualification, more justly invites the consideration of radical reform, than an act of unqualified, unnecessary, and in my opinion, most dangerous confidence.

I dissent from the Resolution, which declares it to be proper to proceed to the act of dismissing the officers who have been suspended by the Government of Madras.

1st.—Because, although I perfectly concur in the opinion of the Court, as to the dangerous and criminal nature of the offences with which these officers are charged, and admit the necessity for inflicting on all those against whom such Offences shall be substantiated, the severest punishment which the Court of Directors can inflict, I yet consider any final Determination on the case of the suspended officers, until they shall have been heard in their defence, to be at direct variance with the fundamental and immutable principles of justice.

2dly.—Because the measure of extending to the persons suspended by the Government of Madras, under their Order of the 1st May 1809, this common privilege of the most common malefactor, while it obviates the evils, and possible injustice of precipitate judgment, has the advantage of being attended with no possible inconvenience.

3rdly.—Because, unless the Court intends to avow a distrust of the propriety of its future deliberation, there is absolutely no pretext for precipitating decision in this case; sufficient confidence in the Madras Government having been already marked by the unqualified approbation of the preliminary measure adopted on the ground stated in these dispatches, the example being made, and the suspension standing enforced, so that nothing but a deliberate act of the Court can restore the suspended officers to the Service.

4thly.—Because the very tenor of the Resolution, in which the Court records its opinion, "that the evidences, so far as they are brought before the Court," show those officers worthy of dismission, admits the possible deficiency of the information, on which it assumes the guilt of the parties, to be clearly established.

5thly.—Because the ascertained suppression of the Memorial, addressed to this Court by certain officers commanding corps, in December 1808, confer on another document, well known to this Court (although not officially before it) an importance which it could not otherwise claim; and the evidence that document presents of the absence of all foundation in fact for the supposition on which Lieutenant Colonel Robert Bell was removed from all military charge, strengthens and extends the inference to be drawn from the ascertained case of suppression, namely, that this Court is not in possession of all the facts which are requisite to an impartial decision.

6thly.—Because the delay of final decision, until the accused parties can be heard in answer to the charge against them, is consistent with the principle of the standing rule of the Court alluded to in the Resolution, which, anticipating the possible effects of rash and precipitate decision, has wisely provided a previous notice of any motion for dismission from the Company's Service.

(Signed) J. BANNERMAN.

India House,
15th December 1809.

East

East India House, 28th February 1811. **No. 10.**

Observations of Mr. Astell and Mr. Grant, on the Dissents.

To the Honourable the Court of Directors.

Gentlemen,

UNWILLING as we are to add to the many writings which have been submitted to you on the subject of the suspended officers of the Madras Establishment, a subject which, to our extreme regret, has of late so much agitated the Court, we feel ourselves unavoidably called upon to offer the following observations relative to the Resolution of the 5th December 1809, concerning those officers, and to the Dissents which were, in consequence of it, recorded by several members.

That Resolution was the result of a deliberate proceeding, held conformably to the intention expressed in the General Letter to Fort St. George, of the 29th September 1809, and in pursuance of notice given and recorded on a preceding Court Day.

The Resolution did not, as has been very erroneously assumed by some, first pass a judgment on the officers, and then refer the examination of their conduct to a future day. The proceeding of the Court was quite different; they first examined and considered the conduct of the officers, and then passed an *opinion* upon it.

The various documents in poſſeſſion of the Court relative to the subject, which had before been considered, were again read; a debate followed, and, in conclusion, the Resolution passed by a majority of 15 to 2.

The Resolution distinctly stated it to be the *opinion* of the Court, that the said officers were worthy of dismission; but, because a standing rule required that previous notice should be given of a motion of dismission, the Resolution, in obedience to this rule, accordingly bore that the Court would, on a future day, *proceed to the act* of dismission. This mode of procedure necessarily *left the subject open to another debate*, which the Resolution assumed would be final; nor were the Court desirous to exclude that further opportunity of discussion which conformity to the standing order would produce, although they thought it their duty then to record the opinion they had formed, and on which the ultimate act of dismission was to proceed.

To this Resolution three Members of the Court thought fit to diſſent, chiefly on the grounds, that the officers ought to be heard in their own defence before the final determination of the Court; that the Government of Madras had itself produced irritation among the officers, and their dismission without a trial would tend to confirm the existing animosity; that the officers might have matter to offer in their own behalf; that further information might be obtained; that no inconvenience could arise from delay; and that there was no pretext for precipitating a decision.

We expected that, on the final discussion of this subject, which we then thought could not be far distant, we might have an opportunity of noticing these arguments; but such opportunity not having hitherto occurred, we request permission to take this occasion of stating briefly the reasons which induced us, and, we believe, the majority of the Court, to adopt the Resolution of the 5th December.

1st.—It was obvious that a spirit of insubordination and sedition had proceeded to a great length among the Madras officers. This spirit acted by combination and written communications between different divisions of the Army; and its direct tendency was to overawe or controul the civil power. Such a temper and disposition among military men, could be put down only by a strong and prompt hand. To support the authority of the Civil Government, was to support the authority of the Company itself; if, as was affirmed on one side, but denied on the other, the Government of Madras had erred in the manner of supporting a right object, this was no justification of the officers, nor did it absolve them from the duty of obedience. To preserve the possessions of the Company and the Army itself, sedition must be repelled wherever it appears; and the more extensive it is, the greater is the necessity for decided resistence to it.

2d.—The court were called to this decided exercise of their power by the Madras Government; that Government represented the particular officers now in question, as active in preparing, signing or encouraging seditious writings; they suspended them on that account, and recommended it to the Court to dismiss them. The Court were

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pledged by their Letter to Fort St. George, of 29th September 1809, to proceed to the serious consideration of the question of dismission.

3d.—There are cases in which all Governments remove officers without a trial by Court Martial. The Company and their Governments have this power, and have exercised it on grounds far less urgent than the case and conduct of the officers at present in question. When the great body of the officers of an Army are in a state of insubordination, how could an accusation of insubordination be submitted to a Court, formed of those officers? and how could Government resort to a dilatory course of legal proceeding, when prompt measures were absolutely required? It is not to be denied, that the Government of Madras had no alternative between the course they pursued, and suffering the evil to go on.

4th.—The evidence on which the Government of Madras proceeded to the suspensions of the 1st May, appeared to the Court to be, in the circumstances in which the Government were placed, sufficient to warrant that conduct which they thought their duty prescribed to them. The officers were not ignorant of the reasons of their suspensions; but some gave in no defence at Madras, and others, what appeared rather to aggravate their case. Indeed no one of them had distinctly denied the main fact of which they were accused, that is, either preparing or signing seditious writings.

5th.—The usual practice of the Court of Directors is, to decide on the question relating to their accused Indian servants, by the documents transmitted to India. They do not, in general, call their servants home to be examined.

When servants come home, as in the present case, under suspension by any of the Governments abroad, whatever defence or information they produce here, which they did not produce in India, can only be of the nature of *ex parte* evidence; the Governments abroad have no means of knowing or answering it, unless it be transmitted to them; whereas to try a cause between parties fairly, the one party should hear what the other advances. And the Court, though they do well to reserve their power of final judgment, in all cases to themselves, can seldom exercise it safely or satisfactorily, except on evidence which their Governments have had an opportunity of knowing and meeting. The Company do not and cannot proceed in the investigation of the conduct of their accused Indian servants, by the same forms, pleadings and evidence, as are required in our Courts of law. This system of proceeding would be quite impracticable to them, or to any Government, with respect to the functionaries of a distant dependency. And it is to be remembered, that the whole question in such cases, is much of the nature of a question between master and servants, or between superiors and inferiors. However solicitous a master may be, to decide equitably between his servants, yet if he sees reason to believe that the conduct of a servant has endangered his affairs, that the servant has failed in duty and has set a pernicious example to others, he surely has a right to withdraw his confidence from that servant, and to dispense with his service; and, however tender he may choose to be in exercising this right, occasions may arise in which it may plainly be his duty to proceed to that exercise.

Such, in the opinion of the Court, was the case now under consideration. Convinced as they were of the misconduct of the officers in question, they deemed it important at that crisis, that they should not appear to hesitate in giving the most decided support to the cause of legal Government; and as far as our recollection serves, the President of the Board of Commissioners was of the same opinion.

It was upon these grounds that the Resolution of the 5th December was passed; and the letters since received from the Governor General of the 12th October 1809, and 15th April 1810, strongly inculcate the principle on which the Court therein acted, of upholding the authority of the Civil power.

Some who have espoused the cause of the officers, seem to have censured the Court for having so long delayed to carry their recorded intention of dismission into effect; but surely, those who complain of the suspension of the officers as severe, cannot, with consistency, think it matter of accusation that those officers have not been actually dismissed. It will, however, be proper to explain the reasons which superseded, during the remainder of the direction of 1809-10, the execution of the Court's intention expressed on the 5th December.

Two days afterwards, namely on the 7th December, some fresh advices, dated 27th May

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May and 9th June 1809, arrived from Fort St. George, via Bombay, by the Ships Upton Castle and Bombay, among which were a letter from Major De Morgan, and a memorial from the honourable Lieutenant Colonel Sentleger.

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Although these documents might not appear to contain matter which would change the opinion entertained by the Court, yet, as they had arrived, it was proper to give some time for the perusal and consideration of them.

But floating rumours of a very unpleasant nature, which soon after began to circulate respecting the Madras Army, were confirmed by advices received from Ceylon, by His Majesty's Government, early in January 1810, and which were communicated to the Chairman by the Secretary of State, on the 8th of that month, and read in Court the next day. Hitherto, the informations before the Court represented only a part of the Madras Army, as in a factious and insubordinate state; and that spirit, though undoubtedly carried to very intemperate lengths, as likely to be subdued by the measures which the Government had adopted, up to the 1st May 1809; but the advices from Ceylon, which came down to the 21st August, represented the greater part of the Company's officers of the Madras Establishment, as hostile to that Government; some divisions of the Army to be in actual revolt; and Government to be employing its resources for resisting the insurgents, and subduing the revolt by force.

This gave a new appearance and character to the whole of the question, concerning the Madras Army. However culpable and deserving of punishment the first ringleaders in seditious proceedings might have been, the case of a few individuals, accused of being of this description, was, as it were put out of sight by the far more important one of the actual revolt of many; and whilst their unnatural hostility was in operation and progress, and the prospect of its consequences so appalling, it did not seem congruous or expedient to revert to one minute spot in this great scene.

Towards the end of January a succinct account was received from Madras by the Ganges, dated the 6th September 1809, of the progress and suppression of the Rebellion; and the same conveyance brought intelligence of the arrival of the Governor General at that Presidency, and of his being about to enter on the task of inquiry and decision respecting the conduct of those officers who had been most conspicuous in the Revolt.

Owing to the multiplicity of affairs pressing upon the Court at that season of the year, it was the latter end of February before the Madras Dispatch of the 6th September was answered; and about the middle of the month of March arrived, by the Rattlesnake, Lord Minto's Letter of the 12th October 1809, detailing at length his sentiments, and the measures he intended to pursue with regard to the principal offenders in the Rebellion. Several of these were to be brought to a Court Martial; and it was naturally to be expected that one result of such a procedure would be to throw fresh light upon the origin and progress of the discontents in the Madras Army. Under such circumstances it seemed peculiarly unadvisable to proceed upon the case of the few suspended officers at home, especially as the delay was, under the existing Resolution of the Court, favourable to them; and in effect, from the new matter that had come home, and the prospect of still further information, it was understood, though not the subject of any formal Minute, that whenever the Court should proceed to a final determination concerning the suspended officers, the question must embrace facts and considerations not in the contemplation of the Court when the Resolution of the 5th December was adopted.

On the 4th April 1810, however, several Members of the Court who had contended for delay, in order fully to hear and consider the defence of the suspended officers, supported a motion for restoring those officers to their former regiments and rank in the Service, and to their regimental allowances from the time of their embarkation for India, without any trial or investigation.

This motion, founded on the Amnesty passed by Lord Minto in India, and on arguments chiefly deduced from that measure, was rejected by the previous question; and the grounds on which it was resisted may be collected from an amendment proposed to it, and, in consequence, recorded, which was afterwards withdrawn. It will be seen from that amendment, that we then understood the case of the suspended officers to be, from the events and documents which had come under the notice of the Court subsequent to the 5th of December, open to full reconsideration, and that it was the intention of the Court to go into such reconsideration, as already mentioned;

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though no formal determination to that effect had been minuted. In this intention we certainly concurred; for though we continued to think that the Resolution of the 5th December was warranted by the documents then before the Court, and the circumstances of the time expressing as it did, only *an opinion*, and leaving the question of actual dismission still open to debate; yet we were perfectly willing and desirous that every subsequent information which could throw light on the case of the officers, and every thing they had subsequently offered in their own defence, should be fairly weighed.

To the rejection of the motion of the 4th of April, a Dissent, signed by four Members of the Court was given in on the 11th of that month. The change in the direction at that time, and other business of a pressing nature, easily disposed us, conceiving as we then did, the final discussion of the case of the officers to be at no great distance, to wave an immediate answer to that Dissent; feeling, as in reality we also did, more reluctance to the continuance of disputation, than difficulty with respect to the arguments contained in it. The same state of mind may, we truſt, at this remote period, after so many other papers have been written relative to the same subject, and so many intermediate proceedings connected with it have taken place, sufficiently excuse us for not going into any detailed reply to that Dissent; whilst we trust that our declining to take any more than a cursory view of it, as we now proceed to do, will not be ascribed to any other cause. In truth, the Dissent in question appears to us, from the nature of the proposition for which it contends, and the arguments it employs, to be particularly open to reply. After the Court had formerly pledged itself to go into a solemn examination of the case of those officers, and had passed an opinion, declaring them worthy of dismission; after the authors of the Dissent had themselves pleaded for delay in order to the hearing of the officers, and for full investigation; after they had indeed contended for the innocence of these officers; a proposition to extend to them, by summary resolution, without trial or examination, the benefit of an amnesty, which term always presupposes guilt, seemed to us full of incongruity, and entirely inadmissible. Many of the reasons adduced against the rejection of that proposition, also appear to us to be incongruous. If, as is argued, the Court's General Orders of the 27th May 1774, forbade the dismission of servants without a trial; if, after the Court had heard the *ex parte* statements, as they are termed of the Madras Government, impartial justice demanded they should also hear the officers; if, when the Resolution of the 5th December was passed, it was thought by the proposers of it, that there was information enough before the Court; if the officers had waited two or more months without being heard, and most of them without being even told of what they were accused; if after all they asked not to be acquitted, but to be heard; all these might be valid reasons for proceeding to examination and trial, but surely could not, even if just in themselves, afford any fair conclusion for restoring the officers, without either trial or consideration of their case. In fact, however, the General Orders of 1774, were not, as we believe, meant to apply to cases of extensive military insubordination or sedition, nor to withdraw from the Indian Governments, the power of suspending Officers without the sentence of a Court Martial, a power which has occasionally been used ever since; and as to what is termed the *ex parte* statements of the Madras Government, it has been the usual practice of the Court, as already observed, to judge of the conduct of their servants abroad, by the representations and documents received from their Governments. In the General Orders suspending the officers, with which they were necessarily acquainted, the offences imputed to them are described. It is asked, "how the circumstances in which the Madras Government were "placed could apply in *our* justification?" Those circumstances certainly entered essentially into the consideration of the conduct of that Government; and as to the opinion passed by the Court on the officers, in the Resolution of the 5th December, it stands on this ground; "those evidences, so far as they are brought before the Court, "do appear clearly to establish the guilt of the parties." It is said of Sir G. Barlow, in the examinations he held before him respecting those officers, that *his exclusive* object was *not* the discovery of innocence. We apprehend the proper object of his inquiries, and of the inquiries of all Judges to be the discovery of *truth*. With regard to the delay till April last of the consideration of the officers' cases, the causes of it have also been already explained. There were no such reasons for delay in representing the conduct of General Macdowall to his Majesty, though the Dissent insinuates that measure to have been precipitate.—General Macdowall having declared, that he would not appeal to the Court, no further information was to be expected from him, nor had they the power of passing any sentence upon him.—It was therefore

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the duty of the Court to lay the representations against him before the King, without even delaying so long as they had; for that step did not decide on his case, but only put into His Majesty's hands documents on which to found an inquiry, in such time and manner as he should judge fit; and the delay in the case of the officers has since been extended much further, without any recorded objection by the authors of the Dissent. Were it indeed certain, as stated in the second reason of Dissent, that "the removal of the officers essentially contributed to produce the fermentation in "the army, which previously led to the guilty determination of *seeking redress* by "force of arms" (a mode of expression, which, we presume, the Gentlemen, on reconsideration may think not well chosen), still it must be fair to inquire whether the officers were guilty of the offences with which they were charged, and whether their suspension might not have been a proper measure. It is said, that the restoration of the officers would have contributed essentially to the conciliation of the Army. The Amnesty of Lord Minto, which is held forth as the great example, and was, by the way, an Amnesty where there was no individual accusation, does not appear to have had that effect; and certainly there is another most important concern, which has not been touched on in this Dissent, how the credit and authority of the Civil Government is to be preserved against military encroachment and sedition. The word "charged," is said, in the Dissent, to be used as if it were synonymous with "convicted." We think it will be found not to be so used; it was not intended to strain its natural import, nor are we aware of any *forced inferences* contained in the Resolution of the 5th December. To the personalties introduced into the Dissent, towards the late Chairman, he wishes only to reply, that throughout these affairs, he has acted according to his sense of duty. The opposition he made to the introduction, in the General Court, by the respectable officer alluded to in the Dissent, of the subject of the suspended officers, when there was no question nor notice of any question before that Court, and only the case of one side could have been heard, was a necessary observance of established order and propriety. The information he then, on the authority only of the public dispatches, mentioned to be still in expectation, was information on the general important question respecting the state and temper of the Madras Army: the arrangement of the Chairman for measures which were become the measures of the Court, is not regular nor decorous.

Many things are, in our opinion, drawn into this Dissent, without relevancy to the point in hand; and the judicial review introduced into it, of the cases of the several officers on whose conduct the opinion of the Court still remained to be pronounced, appeared to us then, as it does now, to have been premature and irregular; and against the statement given of those cases, we must protest, as being both defective and erroneous. But deeming this mode of previously bringing forward individual decisions, on cases which are before the Court for judgment, as objectionable, we shall abstain, at the present moment especially, from passing any opinion on the cases in question.

From the causes above-mentioned, the direction of 1809-10, closed without the final determination which, in a very different state of things, the resolution of the 5th December had intended at an earlier period.

The same motives for delay continued to operate in the new direction, into which, besides six members had entered who were not parties to the proceedings of the foregoing year, and who needed time to acquaint themselves with the voluminous documents which had relation to the cases of those officers; and it appeared at length to be the general opinion of the new Court, that the further consideration of the cases of these officers ought to be delayed, in order to afford an opportunity for receiving from India any information from the Reports of the Courts Martial, or any other source that might throw light on their conduct; and it was only on the 24th September 1810, that Lord Minto's letter of the 15th April 1810, announcing the conclusion of those trials by Court Martial, arrived in England, by the William Pitt from Madras. On the 10th October following, the Court of Directors came to the Resolution, "That this Court will, on Tuesday the 20th November next, proceed to "take into consideration the cases of the several officers of the Madras Army, now "at home under suspension, and that the said officers have notice thereof;" and although the Resolution of the 5th December 1809, was not on that occasion formerly alluded to, it is obvious that, according to the terms of the Resolution of the 10th October, the Court must have considered the whole of the cases of those officers, respecting which it has appeared much new matter had been received, as still open to consideration.

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It seems only necessary to add, that the delay and the cause of it was publicly known and announced by the Chairman not only in his place in the House of Commons in May last, in reply to a question, put to him by a near connection of one of the Madras officers, but was also stated personally to that officer by the Chairman, who expressed himself satisfied with the determination.

We have the honour to be, Gentlemen,

Your most obedient humble servants,

WILL. ASTELL,
CHAS. GRANT.

To the Honourable the Court of Directors, &c. &c.

Gentlemen,

Note from Mr. Toone.

I REQUEST your permission to enter the following Memorandum, upon the Court's Records:

The Resolution of the Court of the 5th December 1809, respecting the dismissal from the service of the Madras suspended officers, without having called upon them for their defence, having been introduced into the Paper read in Court on the 6th instant, signed by the Chairman and Charles Grant, Esq. and the statement being correct, as to the numbers which appear to have balloted for and against that question, viz. 15 for, and 2 against it, although three of the members then present, spoke warmly against it, and three entered their written Dissents, I am anxious to free myself from the charge of having voted for a measure, which, at the time, I stated in my place to have been of the most exceptionable nature that I had ever witnessed, and I am still of the same opinion.

S. TOONE.

East India House,
the 8th March 1811.

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Copy of the OPINIONS, recorded by certain DIRECTORS of The East India Company, subsequent to the Decision of the Court of Directors, on the Case of Major BOLES; on the 5th February 1811.

No. 11.

OPINION of Mr. Davis.

To the Honourable the Court of DIRECTORS of the East India Company.

Gentlemen,

CONSIDERING the Question, lately discussed in Court, respecting the conduct of Major Boles, to be of great importance to the public interest of India, as well as to the character of the Court of Directors, I have deemed it essential to the justification of my own conduct on this occasion, to commit my sentiments to writing in a Paper; which I beg may be admitted on the Minutes of this Court.

It will appear from this view of Major Boles's case, taken at an early stage of the discussion, and which no subsequent argument or occurrence has induced me to alter, that it was impossible for me to perceive the propriety of the latter part of the motion, which passed the Court in the following terms:

"Resolved that his (Major Boles's) suspension be removed; but as the Court consider his conduct in some particulars to be not free from blame, they are of opinion, that he should not be permitted to return to India 'till the pleasure of the Court of Directors shall be signified to him for that purpose."

Instead of this decision, the measure, which in my opinion was due to the individual, and which the state of affairs abroad appeared particularly to call for, was a signal and exemplary act of justice, in a case where the original wrong, and the pertinacious adherence to it on the part of the Madras Government were manifest, and could not by any ingenuity of argument or weight of authority be concealed from the world.

I should consequently most readily have concurred in the full and complete acquittal of Major Boles from all the charges brought against him in India; and have agreed even to compensate him for any loss he may have sustained in consequence of the unnecessary severity of the Madras Government, which prevented his proceeding on the ship on which he had taken his passage to England.

I have the honour to to be,

Gentlemen,

Your most obedient humble servant,

Portland Place, 18th February 1811.

(Signed) S. DAVIS.

WITH respect to the merits of Major Boles's case, much the greater part of the Papers which have been read might have been omitted. Even the reasonings on it by Lord Minto and Sir G. Barlow appear more in justification of their own measures, or in the spirit of an advocate for the prosecution of the charges, than as if urged solely with a view to afford an impartial exposition of the circumstances upon which the charges are founded.

The whole evidence we have of Major Boles's conduct in regard to the circulation of the offensive order, an act for which he was suspended the service, is to be found in the Paper transmitted by Lord Minto to the late Chairman. In this Paper,

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John Green, a conductor of Ordnance and head Clerk in the Adjutant General's office, gives an account bearing every appearance of authenticity of the circumstances of the transaction in question. Beyond this document there is not a word to be found in all the Papers brought forward which in the least degree relates to Major Boles, or his conduct antecedent to his suspension; and therefore from his conduct, as it shall be explained and accounted for on the grounds of this Paper, he must stand or fall. If it shall appear that Major B. in any degree went out of the ordinary course of his duty, either to hasten the publication of the Order in question, or to withhold the knowledge of it from the Government of Fort St. George, a fair inference may be drawn that his motive was a desire to promote the seditious views imputed to the Commander in Chief, and the charges which have been urged against him, of "becoming a willing instrument, and of lending himself to the "Commander in Chief," as well as the greater part if not the whole of the evil which has been alledged against him in India, and imputed to him in this House, may with some colour of justice be considered as established. The Paper alluded to ought therefore to be examined with the strictest attention; and fortunately it is written in a manner that involves no ambiguity whatever, nor leaves the least doubt in regard to the real nature of the occurrences described, which take up the short space of time from the afternoon of Saturday the 28th January to some part of the following Monday. We learn from this Paper, that in the afternoon of Saturday the manuscript Order was given to Green (he thinks and we may admit) by Boles. It contained special instructions in the hand-writing of the Commander in Chief, and addressed to Capper, for its circulation as far as possible the same night. We learn further from the latter part of this Paper, of evidence adduced by Green, that in regard to circulating General Orders *to the Governor*, the Adjutant General had always made it a point, when at Madras, of doing this himself. Manuscript Orders were accordingly sent to some of the out-stations the same night, but no copy was yet sent to the Governor. The reason for hastening the Order to the out-stations, was probably the early expected departure of the Commander in Chief; but nothing as yet occurs to account for their being withheld from the Governor. On the next day, Sunday, Boles's superior officer Capper, was himself at the office, but did not think it necessary to send the order to the Governor. Capper left his office to attend the Commander in Chief on board the ship, as likewise soon after did Major Boles, and the office was shut up after their departure. At a later hour, Boles returns to the office, and brings with him copies of the Order which had by this time been printed, and with his assistant, Captain Mc Dowall, sit down to sign these Orders for transmission to the out-stations, but still no copy has yet been transmitted to the Governor. It happened unfortunately for Major Boles, that when Lord Minto procured the information under consideration, no enquiry was made of the deponent Green, in regard to what he might have understood to be the cause of this delay; for had he been asked that question, it is more than probable he would have answered, that the delay was owing, not to Boles, but to his superior, Capper, *who when at Madras always made it a point to send a copy of such Orders himself to the Governor.* This answer would have agreed with what did actually happen, for we find that the next morning Capper actually came to the office, and, as far as it appears, for no other purpose than to sign and send to the Governor a copy of the Order himself, agreeably to what Green states to have been the practice, which Capper *made it a point* to observe.

The demeanor of Capper when at the office, may in part explain the cause of the Order being delayed to this time. He is represented angry at not finding a *printed* Order which he might sign and send, and prefers taking a printed one, though signed by Boles, to a manuscript one to sign himself. It should hence appear, that printed copies were usually sent to the Governor, and that Capper, a part of the time at least, had waited for the Order to be printed, as he did at last send a printed one, though signed by Boles, there being not another printed Order left, rather than one in manuscript with his own signature. But whatever might have been Capper's motive for delay, no irregularity can reasonably be ascribed to Boles, for putting the obsolete regulation found in the office, and referred to by Lord Minto, out of the question; and no reasonable person will be induced to draw from it any consequences to Boles; the conduct of Boles appears to have been exactly such as was conformable to his duty on ordinary occasions, during the presence at Madras of his superior, Capper. If it be observed, that this was no ordinary occasion, but one that called for manifestations of fidelity and zeal, such

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as ſhould have induced a well-affected perſon in Boles's ſituation, to have ſhewn the Order to the Governor in the firſt inſtance, without regard to military ſubordination. To this I reply, that affairs had not at that time grown into a criſis exhibiting any impending danger of the nature which afterwards happened, and that the terms of the Order in queſtion, did not primâ facie bear that obvious ſedition which ſhould have rendered it criminal in any inferior officer not to perceive and oppoſe himſelf to its circulation, more eſpecially after the recent experience of an Order, equally inflammatory, having paſſed under the notice of the Government of Fort St. George, without any objection being publicly made to it: but as this point is a matter of opinion, to be determined by the import of the Order in queſtion, as it may ſtrike the reader, it cannot well be argued upon, but muſt be left to the judgment of every impartial perſon.

It has been moſt erroneouſly urged, that during the period referred to, Capper was abſent from Madras, and that the duties of Adjutant General had, during the laſt period in queſtion, devolved on Boles, who conſequently was accountable for the delay in ſending the Order to the Governor; but this aſſertion, whoever may make it, ſtands in the face of the only evidence we have on the ſubject, which is Green's teſtimony. This teſtimony eſtabliſhes the preſence of Capper, not only at Madras, but at the office on Sunday and Monday, and repreſents him abſent only as Boles himſelf was to accompany the Commander in Chief to his ſhip. It is therefore extremely unreaſonable, to impute to Boles the delay which occurred in ſending the Order to the Governor, becauſe his ſuperior Officer was all the time actually at Madras as much as Boles was, and by an etiquette, which it would have been diſreſpectful in Boles to have violated, had *made it a point* to ſend, and actually did ſend the Order himſelf to the Governor, and it is totally incomprehenſible in what poſſible ſenſe it can be affirmed of Boles, that he *lent himſelf*, or *became* a *willing inſtrument*, or *conſpired*, or *concurred* in *ſpreading ſedition*, when in the tranſaction in queſtion, it is moſt clear that he acted, to uſe an unmilitary term, as a mere clerk in office, under the direction of his ſuperior who was preſent, and who afterwards did actually deſire to take the whole blame upon himſelf.

Under theſe circumſtances it may be aſked, how did it happen that Sir George Barlow imputed to Boles what was ſo clearly due to Capper, by ſuſpending the former inſtead of the latter, who was preſent, and ought to have borne the weight of the vengeance intended for the offence?

It will here occur to thoſe who have attentively conſidered the caſe in queſtion, that Sir George Barlow does not impute to any one the crime of *delay* in ſending him the Order: this imputation is a ſubſequent diſcovery of Lord Minto, in his reaſoning on the caſe. The crime againſt which Sir G. Barlow manifeſted his diſpleaſure, by ſuſpending Boles, was for *ſigning* the Order which he received from the Adjutant General's office. Had it borne the ſignature of Capper, which it ought and would have done, but for the accidental circumſtance which has been explained, Capper would have been ſuſpended inſtead of Boles; for it appears by Green's evidence, that Capper ſought for a blank Order to ſign, and was even angry at not finding one left, to which he could affix his ſignature. Capper, therefore, ſent one of thoſe which had been ſigned by Boles, and the ſuſpenſion of Boles followed; not becauſe he was the perſon who ſent it, but becauſe it accidentally, and contrary to Capper's intention, happened to bear the ſignature of Boles.

From ſo ſlight an accident as this, have ſuch heavy conſequences followed to Boles:—a man wholly innocent of any offence, as Boles muſt thus far appear to be, has been ſtigmatized as a traitor to the Government under which he ſerved.

The next occaſion on which Major Boles's conduct comes under conſideration, is the interview afforded him by General Gowdie.

Sir G. Barlow being ſenſible that he had gone too far in ſuſpending from the ſervice the Deputy Adjutant General, or as it may perhaps be more correctly ſaid General Gowdie being of that opinion, the latter offers to intercede to get him reinſtated, provided he "would make the ſlighteſt apology, and ſay he was ſorry for "what had happened."—Different opinions will be formed of what ought to have been Boles's reply, according to the different notions of prudence which may be entertained. Some may think it would have been no great ſacrifice in Boles to have put himſelf ſo far in the wrong as to have ſaid, whatever he might have thought, that

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he was sorry for what had happened, more especially when reinstated in his office, and emoluments were to be the reward of this concession. Men of high spirit, whether of the military or civil professions, might think otherwise, and see in the baseness of such a concession more evil and disquietude than could result from pecuniary privation and distress. The latter was the determination of Boles; who, relying perhaps on the justice he might expect in an appeal to the authorities at home, disdained the offer made him of Gowdie's intercession, and, with a tone heightened probably by a sense of the harsh treatment he had received, exclaimed, that he was "not sorry for any thing that had happened."

It will probably not be obvious to common sense, that, in this determination of Boles, or in the language he made use of, any fresh offence could have been committed. He certainly had the right of choice, either to rely on the justice to be sought for at home, or to accept of restoration on the terms offered; and as to his not being *sorry* for any thing that had happened, the meaning cannot, by any fair construction, be referred to any thing beyond what had happened to himself in issuing the Order of the Commander in Chief, as already described: moreover, nothing yet had happened of importance besides the general dissatisfaction which ensued from the measure adopted by Sir G. Barlow, of suspending Boles from the service. The revolt of the Army was a subsequent occurrence, at this time probably not in contemplation by any of the parties. It cannot fail, therefore, of appearing extraordinary, that to this refusal of Bowles to apologize for a transaction in which, as far as he had been concerned, there had been no real cause of offence, a greater degree of blame should be attached by the Directors than to any thing of which Boles had been yet accused. They had restored Boles to the service; but, on receiving the dispatch respecting his refusal to apologize, they not only suspend him from the service, but speak of his conduct in terms which the evidence before them does not appear by any means to justify, namely, "as acting in opposition to the sense of the "Government, and of glorying in that opposition;"—that, "with his own consent, his "case had become the rallying point for systematic resistance to the Government "in support of pernicious and unfounded doctrines, and of factious opposition to the "Government." These heavy accusations, as applied to Boles, can be understood only on a supposition that, on the receipt of the dispatch above-mentioned, the Directors attended more to the observations of Sir George Barlow on the conduct of Boles, than they did to the evidence before them of his conduct, Sir George Barlow observes "that "whatever doubt might have been entertained of Boles's suspension for a casual "error or inconsiderate mistake, there could be no difference of opinion to the neces-"sity of punishment, when he thus (by his answer to Gowdie) deliberately attempted "to vindicate his act (of issuing the Order without first shewing it to the Governor of "Fort St. George) and even to consider it as meritorious." Sir George goes on to observe that "Boles's conduct might have proceeded from an erroneous mode of "thinking, and from an adherence to false principles, but if men will persist in their "errors and maintain their false principles, they must also abide by the consequences "of such conduct." Sir George proceeds to say, that he "therefore considered the "case of Boles to be one holding forth to an Army principles of the most dangerous "tendency, for if soldiers are suffered to acknowledge no superior but their General, "a total dissolution of all legal Government must ensue." Now with whatever truth and propriety these observations might apply to Capper the Adjutant General, it has clearly been shewn, from what passed in issuing the Orders at Madras, that no part of them can in reason and justice be applied to Boles, any more than they could to Captain Macdowall, Boles's assistant, or to any of the Brigade Majors or Adjutants through whose hands the Orders in question passed into the Orderly Books of the army. It may not however be difficult to discover the cause of Sir George Barlow's severe animadversions on the conduct ascribed to Boles. He had most unjustly, as it appeared to the Army, and as it must appear to the world, suspended Boles. He was himself soon conscious that it was a hasty step, and he wished to retrace it, but to do this in a direct manner would be to acknowledge an error, which was an act not congenial to his feelings, and perhaps, as he thought, neither becoming the dignity of the Government, nor suitable to the existing spirit of the times; he therefore sought through Gowdie to obtain, under the hope of reinstatement, the consent of Boles to put himself in the wrong, by confessing himself sorry for what had happened. Failing in this attempt, and finding that the suspension of Boles had raised a flame, and *become a rallying point* for the disaffected officers, it became necessary for Sir George to make the best defence he could of the condition into which he thus had precipitately

precipitately fallen. Under this view of the case and under this only, will the comments and reasonings both of Lord Minto and Sir George Barlow on Boles's case, become intelligible. Lord Minto, on the first intelligence of the disturbance, saw the necessity and propriety of affording his support to the Government of Madras, and of approving generally the measures adopted by the latter. It would have been inconsistent with this principle, to have made an exception even in favour of Boles, of whose case his Lordſhip at first did actually entertain some doubts, and his Lordſhip therefore pursues a train of reasoning until he confesses that he began to entertain doubts of the reasonableness even of those doubts, and concludes his comments on Boles's case with a most unfair representation of that officer's conduct at Madras, founded on an obsolete regulation of 30 years standing discovered to be in the Adjutant General's office, prescribing the mode to be observed in issuing General Orders. But the obsolete rule in question has been set at rest by the explanations afforded by Major Pearce, and other competent authorities, and the whole reasoning upon it must fall to the ground, as must also, to every candid mind, the reasonings and inferences of Sir George Barlow on the same subject; and Boles must be left to be judged by the evidence which has been received of his conduct; which evidence it may truly be insisted on, is comprized in the two documents above described, viz. Green's evidence and Gowdie's report. These documents are so far from establishing the charges made against Boles of lending himself, and becoming a willing instrument, and of entering into the seditious views of the Commander in Chief, that it is absolutely impossible, from any thing contained in these, even to discover what were actually Boles's sentiments on the dispute existing between the Government and the Commander in Chief; or to discover whether he approved or disapproved the extraordinary conduct of the latter. From any thing that appears in this evidence, Boles may have been, as he has described himself, an inoffensive person, passing his time, when not officially employed, in retirement, and taking no part whatever in the existing disputes, and in no habit of confidence or even of great intimacy with the Commander in Chief.

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It has been seen in what manner Boles fell under the displeasure of the Government of Fort St. George, instead of Capper, by the mere accident of the printed Order sent to Sir George Barlow, not being signed by the latter as was intended, and would have happened, had there been a printed copy left for him to sign. It also appears, that Sir George Barlow was willing to restore Boles, could Boles have been brought to render himself contemptible to the Army, and to the world, by expressing sorrow, and thus obtain reinstatement at the expense of his honour; and that failing in this attempt, Boles has been left by Sir G. Barlow to pursue his appeal to the Court of Directors. The policy of this step may well be disputed, for it may be fairly assumed, that mischief was less likely to ensue from a magnaminous acknowledgment of a mistake committed in regard to the suspension of Boles, than from perseverance in that error, whereby Boles did *actually become* "a rallying point for the disaffected officers" to give a colouring to their sedition, not with his own consent, as has been unfairly asserted, but by the *firmness*, in this instance misapplied, of the Government of Fort St. George.

But notwithstanding all that can be said in defence of Major Boles, it is observed, that his acquittal might bring disrepute upon the Government of Sir G. Barlow, who has pronounced him deserving of puniſhment, and weaken his authority; and that the return of Major Boles to his station, and to the resumption of his office, might afford a triumph to the late disaffected officers, and serve to keep alive that spirit of sedition, which, though subdued, has not wholly disappeared, but may break out again at some future period.

Were these arguments admissible, the Directors might have spared themselves the trouble of investigating any farther than was necessary, to ascertain what was the opinion of the Government of Madrass on the case in question; but it is not the opinion of that Government, nor of the Court of Directors, that can alter the nature of things, or make that right which is obviously wrong. If the case be truly represented in the foregoing part of this Paper, it must appear that Major Boles has been most unjustly dealt with, and that the circumstances under which Sir G. Barlow acted, whether of apparent neceſſity, or of precipitancy, make no difference to Major Boles, the effect being to him in either case just the same. The attention of the Settlement abroad, is no doubt turned to the issue of this investigation, and common sense will not find much difficulty in determining whether the

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redress sought for, ought or ought not to be afforded, for if NOT, it must be understood that the affairs of the Company are fallen into a state so new and peculiar, as to deter the Directors at home from venturing to do juſtice in an appeal from abroad, leſt it ſhould hurt the credit, and impair the authority of the Government which did the wrong. But can it for a moment be contended, that the reputation of the India Governments, or their legitimate authorities, are to be maintained by tolerating their acts of unnecessary severity and oppression; and is it meant that the Court of Directors are now to establish new maxims of policy, the foundations of which are to be laid in acts of injuſtice to individuals. The redress of so great a wrong as the one under consideration, will no doubt produce satisfaction, and in that sense afford a triumph to every liberal mind, as well as to the disaffected officers. But does the alternative of dismissing, or of continuing Major Boles in a state of indefinite suspension, afford the prospect of more favourable sentiments, or more salutary effect? let this position be examined. The unjust puniſhment of Boles drew forth a flame from materials which were already in a combuſtible state, and urged the infatuated officers to acts of madness; do the consequences experienced from this act of imprudence, afford reasonable hopes of any particular benefit or advantage to result from dismissing Boles, or from placing him in a state of indefinite suspension? Would it not be more consistent with the means of insuring future tranquillity, to manifest to the India Settlements in general, by the proposed act of justice, that the Court of Directors, though firm in their purpose of supporting their Governments, and of repressing and puniſhing the least appearances of disrespect or disobedience ſhewn towards them, are equally ready to afford redress againſt injuries, however dignified the head that may inflict them; and with reference to the late deplorable events, that although fully prepared and firmly determined to puniſh insubordination and revolt on the one side, they are equally willing to enquire into, and pass an impartial judgment, on any precipitances or mistakes which may have been committed, or unwarrantable exertions of power which may have been exercised by the constituted authorities, on the other side.

(Signed) J. DAVIS.

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To the Honourable the Court of DIRECTORS of the East India Company.

Gentlemen,

WHEN I declared my acquiescence in the Resolution of the Court of Directors, dated the 5th February 1811, for the qualified restoration of Major Boles to the service, I gave notice of my intention to record the motives of public convenience on which that acquiescence was founded, together with a ſhort abstract of the whole case, for the purpoſe of explaining the Resolution, which, in my judgment, ought to have been adopted "for his unqualified restoration to the service, and to his office, and for conferring an adequate compensation for his pecuniary losses, and unmerited sufferings." My acquiescence in the Resolution of the 5th February, was founded on the necessity frequently imposed, by the course of public affairs, of adopting the most practicable measures when the best are unattainable, on the expediency of relieving the Court of Directors from an embarrassment which impeded the ordinary course of business, and on an apprehension that in the course of discussion between numbers equally balanced, I might have subjected Major Boles to the chance of dismission by the lot of the Treasurer. It may be proper, however, to explain, that I should not have urged the return of Major Boles to India, so long as Sir George Barlow ſhall fill the office of Governor of Fort St. George, because such a measure, however just to a suffering individual, might be injurious to the public interests, by reviving those discussions which it ought now to be the main object of this Court to consign to oblivion, and that I look forward to the period of a change in that Government, as that at which measures of conciliation and justice may be expected to produce their unimpaired effects; but in consenting to postpone the completion of measures of this character until a proper period, I must be understood most earnestly to deprecate the construction of Major Boles being now detained, as a puniſhment "for his conduct," which is stated "in some particulars," to be "not free from blame;" and to declare my fixed opinion, which I have reason also to consider the opinion of several of those with whom I voted, that no blame whatever attaches to Major Boles, except for the terms of levity employed in his last Memorial to this Court, a very venial error in my estimation, when

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when the objects are considered to which those observations are applied, and the feelings which they were calculated to excite in an individual whom they had so deeply injured.

Having dismissed these preliminary observations, I shall endeavour to offer an abstract view of the case of Major Boles, in support of that judgment and decision on it's merits, of which I have been the uniform and conscientious, but unsuccessful advocate.

The case of Major Boles, as stated on our Records, necessarily resolves itself into three distinct heads, which ought to be separately considered.

1st—The grounds assigned in the Government Orders of the 31st January 1809, by the Government of Fort St. George, for the suspension of Major Boles from the service, viz. a violation of his duty in executing an act which he knew to be illegal.

2d.—The intention of criminality stated to be evinced in the mode of circulating the Orders of the Commander in Chief, dated the 28th January 1809, contrary to the established routine of his office, and with views disrespectful to the authority of Government.

3d.—The conduct of Major Boles subsequent to his suspension.

On the first of these heads, I am of opinion, that the act "of having circulated under his signature and given currency" to the General Orders by the Commander in Chief, dated the 28th January, exclusively attributed to Major Boles in the General Orders by Government, dated the 31st January 1809, appears to have been ascribed to that officer on defective information; it appears, by the testimony of John Green, the head Clerk in the Adjutant General's office, that Major Boles and Captain Macdowal were equally engaged in signing and circulating these Orders, and it appears by the Records of this Court, that the *former has been punished* "*and the latter has not been punished*" for having "circulated with his signature and given currency to these Orders". It is manifest that the appearance of the signature of Major Boles to the copy of the Order sent to the Governor on Monday the 30th, arose from the accidental circumstance of all the copies having been signed by these two officers on Sunday the 29th; that the act of sending a copy to the Governor signed by Major Boles, instead of a copy signed by Captain Macdowal, or a manuscript copy to be signed by the Adjutant General, as suggested by the Clerk, was not the act of Major Boles, but of Colonel Capper, who was present in his office on Saturday, Sunday, and Monday the 30th; that the note of transmission was also written and dispatched by Colonel Capper himself, that therefore, so far as intention constitutes the essence of an act, Major Boles did not sign that Order to be sent to the Governor, and was in no respect accessary to its being sent.

As far as regards "his having circulated with his signature, and given currency to the Order" to other stations, he stands precisely on the same ground as Captain Macdowal, to whom no criminality has been attached on that account; it follows, that the act exclusively attributed to Major Boles, is erroneously so ascribed, and that if he has been justly punished, Captain Macdowal has been unjustly absolved.

With respect to the illegality of the act, the same observations apply to the conduct of both these officers, both being equal innocent, or equally guilty; for while their mutual principal was *on the spot*, the responsibility for the conduct of the office generally, but particularly for all acts specially ordered by himself, attached to him alone; the simple act of his walking out, or of having been on board ship with General Macdowall for two or three hours, did not entitle Major Boles to usurp the charge or the responsibility; in this respect he was on a footing, not only with Captain Macdowal, but with John Green; he could act in the office just as he had been ordered to act, and not otherwise.

But if a separate responsibility should be supposed to attach to Major Boles, his refusal to obey the order of his military superior, must be justified by proofs of illegality so plain and unequivocal, as to be level to every apprehension, and so obvious as to admit of neither hesitation or delay, inasmuch as in military transactions, where the execution of Orders must necessarily be prompt, hesitation or delay in itself constitutes disobedience, and if doubts of the legality of this Order had occurred to the mind of Major Boles, they must necessarily have been removed by recent fact,

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namely, that a General Order by the Commander in Chief, dated the 25th of the same month, had been issued under the sanction of the Governor to the troops of his Garrison, which is much more offensive and injurious to those superior authorities, towards whom it is the imperious duty of the Government of Madras to inculcate reverence and respect, and consequently more illegal than the General Order of the 28th, issued three days afterwards.

The determination of the Court of Directors, dated the 15th September 1809, para. 98, which orders the restoration of Major Boles, must necessarily be understood to acquit him of this head of accusation, and of consequence to pronounce the act of his suspension to be at least an erroneous measure.

This decision might seem to render unnecessary any explanation of the principles on which it was adopted; but inasmuch as the consideration of the main offence for which Major Boles was actually suspended, must necessarily apply to all its collateral relations, it was necessary to establish, and it is essential to remember, that the very act of which he is exclusively accused, was erroneously ascribed to him, and that he stands acquitted of the guilt which it was supposed to involve.

On the 2d head; viz. the intention of criminality stated to be evinced, and the disrespect intended in an unusual mode of circulating the offensive Orders.

The complete body of evidence contained in the very distinct and satisfactory Letters of Lieutenant Generals Harris, Stuart, Craddock and Lord William Bentinck, and Colonels Wilks, Malcolm and Pierce, renders it unnecessary for me to detain the Court with any farther arguments to prove, that the conduct of Major Boles, with regard to the mode of issuing the Order, was in strict conformity to established routine, and that no deviation from the ordinary practice of the office had been shewn, except in sending to the Governor a copy signed by the Deputy instead of the Principal; which deviation from strict etiquette, was the act of Colonel Capper, and not of Major Boles.

Even the statement of the head Clerk, which bears internal evidence of being written under the fear of offending the existing powers, although it does not state, as it ought to have done, that the whole routine described, down to the mark M. G. O. in the Post Book, was according to the established practice of the office, does bear most ample testimony to that fact, by the inadvertent admission "that *he had not* "*then the smallest idea that he should at any future period be called upon to make* "*a declaration on the subject,*" the very evidence adduced to prove, that the mode of circulating this Order "was contrary to usage," thus serving to establish beyond controversy, that the witness considered it at the time *not* to be contrary to usage, and it is evident from the nature of the thing, that the mark M. G. O. in the Post Book, which from an awkwardness of expression, perhaps, rather than intention, would seem to be described as contrary to custom, must necessarily be in the course of ordinary routine, inasmuch as it is evident, from the general evidence of this routine, described in the Letters to which I have adverted, that without this or some equivalent mark, it would be impossible to determine to which of the stations it would be requisite to transmit the subsequent printed copies for official record.

On the third of these heads, viz. the conduct of Major Boles subsequent to his suspension, the constructive accusations under this head, chiefly amount to his having become the rallying point for the disaffected, and his having rejected the advances of Major General Gowdie.

With respect to the first of these accusations, it is affirmed not only without proof, but contrary to every proof on our Records, that Major Boles by his own act became the rallying point for the disaffected; and it is contrary to the plainest dictates of common justice and common sense, to accuse him of crimes committed by others, without his participation or sanction. If it could be necessary to adduce an example of moderation, forbearance, and more than christian patience, as the rigid model and criterion by which the actions of men ought to be regulated under the pressure of unmerited suffering, the whole tenour of the conduct of Major Boles, *up to the period of his arrival in this Country*, would furnish that example.

The punishment which he had sustained (pronounced by this Court to be an erroneous measure) was also pronounced by the general voice of those who were subject to similar suffering, to be an act of error, of injustice and oppression.

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It is true, that he became the rallying point of the disaffected, but he became so to the same extent, and in the same manner, as the lifeless staff which supports the standard of rebellion; he did not make himself, but was made, the rallying point; he was erected by the acts of others, into an importance in which he had neither participation nor consent.

He was not the author of rebellion, but the victim which excited others to rebel; and there can be no heart so devoid of christian charity, as to impute it to Major Boles as a crime, if destitute of any property of his own, and deprived of the subsistence which his profession afforded, he *may* have been touched by the sufferings of a beloved family, and, in contemplation of impending famine, have shrunk from the last consequence of punishment without crime, and accepted the spontaneous aid of his friends.

With respect to "his rejection of the advances of Major General Gowdie," "the "acknowledgment of error and contrition for offence," were in substance the avowals demanded of an honourable man who was unconscious of error, and innocent of the intention to offend. It is conformable to the mild character of Major Boles, exhibited in these proceedings, to conclude, that any explanation demanded previously to the act of punishment, would have been given with the greatest humility and respect; but the character of explanation is completely changed after judgment has been pronounced, and punishment inflicted not only without trial, but absolutely without enquiry; and it must never be forgotten, that the avowal demanded would have constituted the crime which his prosecutors sought to establish, that the advances having been professedly unauthorized, it is no uncharitable inference, from a comparison with other facts, to suppose, that by the required concession he might have found himself transformed from the character of an injured man, to that of an abject wretch pleading guilty in the hope of pardon and failing to obtain it; that having in the judgment of the Court of Directors; of the whole world, and above all of his own conscience, been unjustly punished, the mean avowal demanded must have necessarily rendered him contemptible in his own eyes, and have for ever excluded him from the society of honourable men; and it should also never be forgotten, that the restoration so anxiously professed, being in the nature of a decision on a case appealed to higher authority, would have been an act, at least of doubtful legality, and, if legal, might not have been confirmed by the Court of Directors under the admission of impropriety of conduct, which must necessarily have been implied in any apology by Major Boles, however modified.

On a review of the abundant proof which has been exhibited of the absence of all criminality in the conduct of Major Boles, it would next become a subject for grave consideration to appreciate the consequences of his restoration to the service, as an act of apparent concession to the clamours of a misguided Army.

If rebellion had not actually been put down, there might have been some reason for political hesitation on this head, in the minds of those who are disposed to question the axiom of an eminent statesman, that "justice is the standing policy of nations." Happily the fear of doing justice no longer exists even in imagination, the clamours have been suppressed on which these terrors are founded; but if the remnant of such apprehensions even should exist, shall injustice be consecrated because it has produced revolt? shall evil be sanctioned because it has produced evil? shall primitive error be cherished because it has been the parent of greater error? and should an individual cruelly oppressed be excluded on motives of false policy from the very semblance of justice, because his sufferings have incited other individuals to commit crimes? the dangers of such a course are infinitely greater than the portentous fear with which some Gentlemen seem to be haunted, the fear of having it believed that it was possible for the Court of Directors to do an act of justice; to the terrors of such a phantom, may safely be opposed the sober and confident hope of an Army returning from sullen acquiescence to willing obedience, from a conviction that justice is secure, and that a power exists equally ready to relieve unmerited suffering, and to punish rebellion by whatever cause excited.

It would be indeed a distorted view of human nature and humane feelings, to contemplate terror and coercion as the sole instruments capable of regulating the conduct of mankind; rulers are but men, and coercion to be permanent, and to command the minds of their fellow men, must be clothed in the garb of Justice, in any other form its force may be all powerful for a time, but its ultimate re-action is the object

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of real terror. The persons lately designated rebels and disaffected still are men, reasoning beings whose minds must be reclaimed.

This mental cure is of easy application, it only requires that the Court of Directors ſhould do its duty, ſhould administer justice in mercy; this is the true antidote against future crimes, the chief defence of our Indian possessions against that anarchy which, without it, must speedily force their dismemberment from the parent state.

I have thus endeavoured to explain the grounds of the Resolution which, in my judgment, ought to have been adopted "for the unqualified restoration of Major "Boles to the service and to his office, and for conferring an adequate compensation "for his pecuniary losses and unmerited sufferings;" and I will venture to indulge a hope, that the feeble and equivocal advance in the cause of justice which has been made by the Resolution of the 5th February, may be the precursor of measures more direct and effectual; but above all, I do most solemnly and earnestly adjure the respectable individuals at the head of our direction, to accelerate by every means in their power those changes in the formation of our Indian Governments, which may remove from the act of necessary justice, conditionally implied in the Resolution of the 5th instant, all semblance of inconvenience, which may render the measures of conciliation and lenity, yet to be carried into effect, safe, graceful, and effectual, and may avert from the great interests committed to our charge, the dreadful consequences still to be apprehended from a perseverance in that career of wanton oppression, which has ſhaken the foundations of our Indian Empire.

I have the honour to be,

With the greatest respect,

20th February 1811. Your most obedient ſervant

J. BANNERMAN.

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To the Honourable the Court of DIRECTORS of the East India Company.

Gentlemen,

RETAINING as I do all the sentiments which were expressed in a Protest recorded the 11th April last, by myself with three other members of the Court, in the case of Major Boles, and under even an increased sense of the signal wrongs which that officer has experienced, I feel it necessary, in justification of my own consistency, to declare the motives which have alone induced me to concur in the decision passed the 5th instant, which so far from awarding any reparation to Major Boles, merely removes his suspension, with a restriction against his availing himself of it by returning to India, and expressions of censure that, added to the restriction, involve a partial continuance of a punishment originally inflicted without any cause, and persevered in with a rigour proportioned to its injustice.

With regard to the original suspension of Major Boles by the Madras Government, there are scarcely now, I believe, two opinions upon the subject. It is pretty generally if not universally acknowledged, that this severe punishment without a trial or a hearing, was inflicted for a crime for which Major Boles was not responsible, for the publication of an Order which emanated from the high authority of the Commander in Chief of the Army, was in the first instance committed to the Adjutant General, and by him left to be executed in the usual course of duty by his deputy Major Boles.

The doctrine that would teach inferior military officers, that they are to examine and deliberate on the quality of the Orders of their ſuperior officers before they obey them; is, I believe, universally exploded. On this point no language can be more express, more clear or decided, than the language of the Governor General. "A military officer (says his Lordship) is bound to obey the Order he has received, "without regard to the quality of the Order;" again, "the Adjutant General is to "publish to the Army any Order the Commander in Chief may commit to him, "without deliberating on the propriety of the Order; it would be a breach of his duty "ſo to deliberate." His Lordship afterwards indeed makes an exception, by stating, that

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that " criminal Orders" are not " to be obeyed;" but how an Order can be discovered to be criminal, without examining its quality, he has omitted to explain.

The Governor General has also pronounced the Order in question to have been illegal; a point on which his Lordship is certainly at iſſue with many respectable authorities. The Order expressed a reprimand of Lieut. Colonel Munro by the Commander in Chief, for having appealed from his jurisdiction to the Civil Government; that it was improper and of evil tendency I fully admit, but these are qualities which do not constitute illegality, and it may be doubted if even these would be applicable to the Order, but for the discontents which prevailed in the Army at that period, in consequence of the refusal of the Government to forward their Memorials to the Court, or to permit Colonel Munro to be tried by a Court Martial, since it is a well known rule in the service, that all applications or appeals from military officers to Government, are to come through the Commander in Chief; and I believe ſeveral members of this Court as well as myself, have known Commanders in Chief in India who would not have hesitated to censure in public Orders any officer who ſhould have deviated from that rule; but even if the casuist or able lawyer could, on an acute examination of the Order, discover any thing illegal on the face of it, still no blame could attach to him who was merely the instrument of its publication, unless the illegality was so clear and palpable as to be obvious to the eye of a soldier accustomed to consider implicit obedience as his first duty; nay, if it were not quite unneceſſary we might go much further, and cite a recent case in which the Order given was clearly illegal, and the officer who was charged with its execution could hardly have been ignorant that it was so, yet no one imputed blame to *him*, the ſuperior officer who gave the Order was alone considered responsible.

Neither the illegality of the Order nor Major Boles's responsibility, even supposing that established, being a tenable position, it was urged against him, that there had been something unusual or irregular in the mode of issuing the Order, it not having been previously submitted to the perusal of the Governor, agreeable to an existing regulation. This was so strongly and perseveringly urged, and particularly by a member of high authority and habitual influence in the Court, the late Chairman, Mr. Grant, that those most inclined to think favourably of Major Boles, and from his amiable and inoffensive character, to consider him of a disposition little fitted for schemes of treason or sedition, began to be staggered and to entertain doubts; it was in fact the only point of real importance to Major Boles, and the one upon which the whole ſhould have been allowed to hinge from the beginning, because if on that single and particular occasion he had deviated from the usual or ordinary mode of publishing the General Orders of the Commander in Chief to the Army, ſuſpicion might juſtly have attached to the motives of such deviation, or to the animus with which he had acted. It was therefore highly satisfactory to find that important point established completely in Major Boles's favour by the uniform results of references separately made to a late Governor of Madras, three General Officers, who successively commanded the Army of that Presidency and several Adjutants and Deputy Adjutants General, all of whom concurred in attesting the fact, that in usage and practice the regulation in question had been set aside. The late highly respected Governor, indeed, Lord William Bentinck, had not even known of the existence of such a regulation; the attestations of the other distinguished individuals confirmed what Colonel Agnew had a few months before said to me, in reply to a direct question from me on the point, namely, " that there was such a regulation in " existence, but that it had grown into disuse." Sir George Barlow himself, in his conduct, had virtually furnished an attestation to the same effect, for it is upon record that a few days before the publishing the Order in question, which gave such mortal offence, an Order much more exceptionable had been issued from the Adjutant General's office, which must have been issued in the same manner without having previously been communicated to the Governor, since it cannot be supposed that if it had been so communicated he would have permitted it to be published, nor that if its publication without that previous communication had been a deviation from the ordinary practice, he would have failed to notice with displeasure such deviation. It is indeed not a little remarkable, that the Governor should have failed to notice the Order alluded to, when it *must* have been laid before him in the ordinary mode *subsequent* to its publication, or to manifest in consequence of it any displeaſure to the Commander in Chief, who was then present upon the spot to answer for himself. I allude of course to the General Order published on the 25th January 1809, in

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which the Commander in Chief took leave of the Army; in this Order the unfortunate General, under the pressure of irritated feelings, describes the Army as suffering unmerited grievances, and himself as degraded and deprived of his right by the Court of Directors, in his preclusion from a seat in the Council, and under this mistaken sense of injury from the Court, he reflects on it in contemptuous terms. This Order, as was well observed by a worthy member of the Court, in one of the early debates on Major Boles's case, was unnoticed by Sir George Barlow, though so manifestly tending to lower his employers in the estimation and respect of the Army; but when a subsequent Order disrespectful to himself and to the authority of his Government is issued, the Governor's displeasure is instantaneously roused, and he proceeds to vent it by suspending the absent Commander in Chief, who directed the Order to be issued, and even the Deputy Adjutant General, who issued it under the orders of his principal the head of the Department, and is, as he states, only the third link of the chain. Here, in justice to his memory, I think I ought to advert to the honourable and disinterested conduct of the Adjutant General Colonel Capper on the occasion, who when on his return from on board the ship to which he had accompanied the Commander in Chief, he learned what in his absence had happened to Major Boles his deputy, went to the Governor and assured him that not Major Boles but himself alone had been to blame, if any blame was due for the act of issuing the Order in obedience to the Commander in Chief, and implored that he alone might be punished; the only effect however of this generous appeal, was to draw on himself also the sentence of suspension, without producing any relenting sentiment in favour of Major Boles.

In the foregoing statement, I have endeavoured to place in a clear point of view, the facts and circumstances connected with the original suspension of Major Boles by the Madras Government; but it must, I think, appear extraordinary, that Major Boles's conduct in issuing the Order, should be brought in question at this time, considering that eighteen months have elapsed since the Court of Directors, at the instance of the late Chairman himself, virtually acquitted Major Boles of any criminal intention on the occasion, by directing the Madras Government to take off his suspension, with an observation that amounted to a censure, though a very mild one, of the severity with which he had been treated, namely, that as " Major Boles " and Colonel Capper were placed in a situation of difficulty, their removal from " their respective employments on the Staff, would have been a sufficient mark of " your displeasure." As far, therefore, as related to the crime for which he was suspended by Sir George Barlow, Major Boles might have trusted himself to the Court's own defence of him; but, as observed by the late Chairman, Major Boles was suspended by the Court for a fresh offence, and I advert to this part of the subject with the deepest regret; the nature and extent of that fresh offence, were communicated to the Court, in one of the Enclosures of a Dispatch from the Madras Government, which was received a very short time after they had directed his suspension to be taken off, namely, copy of a Circular Letter from General Gowdie, to the officers commanding divisions of the Army, on the subject of the Addresses to Major Boles; by this document it appeared, that the fresh offence of Major Boles, consisted entirely in his having declined to comply with a proposition made to him by General Gowdie, but expressly without authority, to express sorrow, or, what the General termed, " adequate regret," for what he had done, in issuing the General Order, on which condition the General would " make it his business " to get him reinstated in his rank and official situation." But this explanation (the General adds) so natural " to have been expected, and *which included in it* " *no personal concession of character*, was rejected, and not without some warmth, " by his exclaiming that he was sorry for nothing that had happened, or words to " that effect:" the particulars of what passed at the interview, are very differently related by Major Boles, who in his Memorial positively denies the imputed warmth, and avers on the contrary, that he expressed to General Gowdie his acknowledgments for the friendly intention manifested towards him in the proposition; both statements, however, agree as to the main facts. The general nature of the proposition, and Major Boles's having declined to comply with it, both also concur in the fact of General Gowdie's having accompanied the proposition with a declaration, that he had made it without authority or instructions, notwithstanding which, the General in a public Circular Letter to the Army (justly pointing out the impropriety of the Address of some officers to Major Boles) states the transaction, prefacing it with this severe observation, " as compassion for Major Boles may have drawn the

" officers

" officers to this measure, I think it proper here to explain, that Major Boles, " in my opinion, deprived himself of any particular claim of that nature."

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Sir George Barlow, in his Minute of the 1st May, gives an account of Major Boles's conduct in the interview, which I shall state in his own words. The whole passage is as follows: " In this paper, (alluding to the paper delivered by Col. Leith, " the Judge Advocate General) the Judge Advocate General has shewn that an " officer cannot be allowed to justify his compliance with an *illegal Order*, but he " may plead in alleviation of such an offence, that he acted under a mistaken idea of " his duty, or that he had been misled by the example of his superior officer. If " such a plea had been resorted to in the present instance, I should have been " happy to have attended to it; but instead of offering any plea of this description, " a justification intemperate in its nature was attempted by Major Boles, in a " communication which General Gowdie was pleased to hold with him on the " subject. The particulars of this conversation are detailed in the accompanying " copy of a Circular Letter from General Gowdie, addressed to officers com- " manding divisions of the Army. *Whatever doubt therefore might have been* " *entertained as to the propriety of Major Boles's suspension, under the idea that* " *he had suffered for a mere casual order, or inconsiderate mistake (as many have* " *been led to suppose)* there can be no difference of opinion as to the necessity of " that punishment, when be thus deliberately attempts to vindicate his act, and " even to consider it as meritorious." I have quoted the whole of this passage, after having given General Gowdie's own statement of his interview with Major Boles, that the Court at present, and whoever shall impartially read these Records hereafter, may determine whether its conclusions are borne out, or their harshness justified, even by General Gowdie's own statement, bearing in mind, that in the very outset, Sir George Barlow assumes the illegality of the Order as a point established, bearing in mind too, that the candid admission, that Major Boles might plead in alleviation of his offence, that " he acted under a mistaken idea of his duty," is not made by the Governor until after, without giving Major Boles any opportunity to plead at all, without granting him a hearing, he had inflicted on Major Boles the heaviest punishment in his power to inflict; nor until after he had found that many persons had been led to entertain doubts of the propriety of his suspension. The fact I believe to have been (and if so it is a fact very far from discreditable to Sir George Barlow) that Sir George Barlow soon became sensible, that he had been precipitate in his procedure towards Major Boles, and seeing that it had roused an universal feeling in his favour, that the most moderate part of the community disapproved, and even the attached friends of Government regretted it, he wished to have an opportunity of taking off the suspension from Major Boles, without compromising his own dignity, and with that view, I think it may very safely be concluded, that Sir George Barlow without directing or instructing General Gowdie to make the proposition to Major Boles, was not ignorant of the *intention* to make it; if acquiesced in the object was attained, if declined credit would be gained to the Government, for its moderation and intended lenity. I am even willing to think, that Sir G. Barlow's repeated refusal to permit Major Boles to proceed to England, was dictated by the same motive; but the result of Major Boles's declining to accede to the proposition, must, I think, be contemplated with different feelings; for *then* not only his suspension was continued, but fresh severities were heaped upon him; *then* it was discovered that Major Boles was a dangerous person, and after having been three times refused permission to proceed to England from Madras, was peremptorily ordered to embark for Bengal, and from thence for England; few, I believe, can read Major Boles's Letter to the Governor General on this subject, without participating in the feelings under which he wrote it. I shall for ever regret that the treatment of this officer, has had even a temporary sanction from the Court of Directors, on the receipt of the above quoted ex parte statement relating to Major Boles, contained in Sir George Barlow's Minutes of the 1st May, the late Chairman, Mr. Grant, brought forward and carried in the Court a fresh charge against Major Boles, in a paragraph which contained at once the accusation and punishment, in the following words; viz. " In our Letter of 15th September 1809, " we stated our opinion, that as Major Boles appeared to have been placed in a " situation of difficulty, his removal from his Staff appointment, might be a sufficient " mark of your displeasure, and we therefore desired that he might be restored to " the service; we are sorrow however to find now, that Major Boles has not con- " ducted himself merely as an officer impelled by a conviction of military duty

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" to act in opposition to the sense of Government, but has gloried in that " opposition, and it must fairly be presumed, that it is with his own consent his " case has become one of the rallying points for systematic resistance to the Govern- " ment, in support of the pernicious and unfounded doctrines of the late Com- " mander in Chief, whose cause Major Boles appears to have cordially espoused; " under these circumstances, although we were not disposed to remove him from the " service, on the score of obedience which he might deem to be right, to the order " of his commanding officer, yet, as there can be no pretence of right or duty in a " factious opposition to Government, now become so dangerous and so much pro- " moted by his means; we direct that he be suspended from our service."

It is not easy to define in specific terms the crime charged in this paragraph, or to point out in our Articles of War, or in any other Military Code, the class of offences to which it belongs, but it is easy to perceive that it is of a constructive complicated nature, built on inferences and positions, all of which are assumed without the shadow of proof, referring indeed to volitions and operations of the mind, which only the Supreme Being can penetrate.

It may be divided into four distinct counts.—1st. That he opposed the sense of Government.—2d. That he gloried in that opposition.—3d. That it was with his own consent his case became one of the rallying points for systematic opposition to the Government; and—4th That he espoused the cause of General Macdowall; and all of these crimes are adduced from the single act, if act it can be called, of declining to express " adequate regret," for what he had done in the faithful and conscientious discharge of his duty, or in any other words to admit himself to have been guilty, and the Governor to have been right in suspending him, a compliance which, as is well and strongly stated by Major Boles in his Memorial, " would have admitted " what he had uniformly and constantly denied, that he had acted wrongfully, and " not uprightly and conscientiously, in publishing the Order of the Commander in " Chief. It would have deprived him of all defence, it would have given the force " of truth to the accusation, and of justice to the sentence."

I believe that the view which the impartial historian will hereafter take of the conduct of Major Boles, will form a striking contrast with *that* which has been taken of it in the Court's paragraph above quoted; he will state what by acquiescing in General Gowdie's proposition, Major Boles would have attained, and the perils, privations and anxieties, to which his refusal has exposed him and his helpless family; in a word, he will describe Major Boles as having preferred poverty to dishonour, and determined to encounter every evil but the reproaches of his conscience.

In the late discussion of the case of Major Boles, the vague and general charges of opposing the sense of Government, and "glorying in his opposition," were exchanged for the more definite charges of contumacy and faction, and in support of these (can any stronger proof be required of his innocence) it was even attempted to connect Major Boles's case with the very crimes which his hard treatment had so unhappily contributed to produce; with respect to what is *conveyed* in the *presumption* that it must have "been with his own consent that his case had been made a rallying point," if ever any man's deportment under unmerited sufferings exempted him from such an imputation, Major Boles might have hoped to have escaped it; no circumstance, no shadow of proof has been adduced to shew that Major Boles encouraged, or assisted in spreading the flame of discontent which his suspension had kindled from Orixa to Cape Camorin; if he had done so, it must have been by Letters, for he resided with his family at Madras, and we know that it was not with his own choice that he remained in India a month after his suspension; and if he had attempted it by *Letters*, would there have been any deficiency of proof against him, or any necessity for resorting to indefinite constructive charges? Three times successively Major Boles supplicated, and as often was refused permission to embark for England, to make his appeal to the Court, and implore redress. Would such have been the conduct of a man who sought to make his cause a rallying point in India? Constrained to remain there, he lived in retirement, and finding his brother officers associating with him, or asking him to dinner was considered as an offence, he ceased to accept their invitations. If then his case became a rallying point for opposition to Sir George Barlow, I may confidently ask, who made it so but Sir George Barlow himself; on one point, accusation has been extracted from Major Boles's silence, namely, the subscription entered into by many officers for his support, which

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I infer too, from his silence on the point, that he did not refuse to accept, and if so, it is a part of his conduct that I could have wished had been otherwise; but I think that to be able to determine the measure of blame, or if there were any due to him on this score, we should be acquainted with the extent of his pecuniary means, and the number of persons who looked up to him for bread. We know, or at least some of us know, what is required to maintain a family in decent comfort in that country; we know too, how inadequate the bare subsistence, or regimental pay of a Major is to that expence, and that very few officers of that rank in our service have any income but what is derived from their monthly allowances. I can hardly say that I have the honour to be acquainted with Major Boles, but I have heard that he has a wife and a family of children, all of whom have accompanied him to this country, and that notwithstanding any aid which he may have derived from the subscription made for him, he was obliged to sell things of a description which are seldom parted with but in the hour of distress, to defray the expense of their passage to England. It is easier to assume the stoic in the midst of affluence and surrounded with comforts, than to practise the stoic's lesson when suddenly and unjustly deprived of them; but it might fairly be asked, whether if Major Boles had refused the proffered aid, he would not have thereby rendered himself more the object of public commiseration, and his case more a rallying point for opposition; that Major Boles has in his Memorial made use of some expressions disrespectful to the constituted authorities is most true, but they make no part of the charges on which he was suspended in India, or of those on which he was resuspended by the Court of Directors; and he must be an inexorable judge, and himself be exempt from human infirmity, who does not feel his censure abated by recollecting, how difficult it is even for the calmest mind to avoid such an offence, when writhing under the anguish produced by a sense of deep and unmerited injury; a judge of that description indeed, but of no other, might tell Major Boles that he should not have been wanting in respect when speaking of those whom he considered the authors of his ruin; that whatever feelings his injuries had excited, should have been kept in complete subjection, and whatever had been the conduct of his enemies, his own should have been faultless.

Under this view of the whole of the case of Major Boles, I repeat the opinion which I declared in Court, that the great object of our deliberations ought to have been, not whether to acquit or condemn Major Boles (on which a mere perusal of the Madras proceedings should have left no doubt) but what adequate reparation could be made to him for the wrongs he has sustained, and the sufferings of every kind which he has been made to endure. It was most justly observed on the discussion, by some honourable members of the Court, who differ, and I am convinced sincerely differ, with me on this subject, that Major Boles's interest was a secondary concern, that we had to look to the interests of the public, and to the future character of our own proceedings; in this sentiment I fully concur, and if measures tending to produce reconciliation, harmony and confidence, between all the branches of the public service, to extinguish the now glowing embers of discontent and jealousy, and to put an end to the schism by which the Army is estranged and alienated from the Government, if these are objects connected with the public interests, those interests are involved in Major Boles's case; for if there is an act more desired, more called for by the universal voice of the public in India than another, it is the complete restoration of Major Boles to the service, with adequate redress; his suspension was the introduction of a system which cannot be too soon, and must be sooner or later disavowed and abandoned, the delay in making that disavowal has already been productive of danger, but were the system to be ultimately sanctioned by the Court of Directors, and by His Majesty's Government, it would in my opinion lead to evils of the most dreadful description. I also agree completely with those members of the Court, who think that we have inverted what would have been the more natural and regular course of proceeding, namely, to have investigated and pronounced on the conduct of the Madras Government before we took up the cases of the suspended officers, when the Court received the dispatches which announced the agitations and ferment which prevailed at Madras, the first impression naturally and properly pointed to the giving all support to the Civil Government, it was not the precise moment to examine critically or minutely in what points it might have acted more judiciously, or with a more conciliating spirit; however wrong the Government might have been, the first object must be to check and discountenance the intemperate spirit manifested in the conduct of the Army; but when the convulsions which threatened such direful evils

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were at an end, the revolt put down without any concession, or the relinquishment of any principle, our next care ſhould have been directed to the preventing their recurrence, by calmly and impartially investigating and doing away the causes which led to them; that this important work is not yet accomplished, is much to be regretted.

Impressed with these sentiments, and the view of the whole subject which I have endeavoured to state, it is impossible I can approve the restriction under which the Court has restored Major Boles to the service, being unable to allow the smallest weight to the only argument I have heard urged in support of it, namely, that the permitting Major Boles to return immediately to Madras, would be to give him a triumph over Sir George Barlow. I believe, as I have already stated, that Sir George Barlow himself must regret his procedure towards Major Boles, and could not be gratified by the prolongation of his sufferings; but be that as it may, to hesitate to remedy unjust acts, lest it afford a triumph over those who have committed them, is a principle that I hope will never be recognized by the East India Company, or any other Public Body entrusted with authority under the Britiſh constitution. In assenting therefore to the Resolution, qualified and imperfect as it is, I have been influenced by the consideration that it would secure the main object, Major Boles's restoration to the service, and yet more by the hope that it would preclude the recurrence of what I am sure would have been painful to every member of the Court, namely, the necessity of again committing his character and fortune to the decision of chance.

East India House, the 22d February 1811. (Signed) J. HUDLESTON.

OPINION of Mr. R. Thornton.

To the Honourable the Court of DIRECTORS of the East India Company.

Gentlemen,

IT is not often that I trouble the Court with my recorded sentiments, but there will sometimes arise occasions of such moment and delicacy, that to be mistaken would be an evil of the most serious kind, and I owe it to my own character to be explicit on the important subject which has been agitated since I have had the honour of a seat in the Direction. It cannot be dangerous to discuss with prudence and temperance, that which has been acted before the face of all the world. The case of Major Boles is now quite a public one, and I pledged myself on the 5th February last, when I voted with a majority of the Court, for taking off the suspension from that officer, under the qualified terms of the Resolution of that day; that I would explain on the Records of the Company, my motives for concurring with that vote, which was as much as I could then be likely to carry, though it fell ſhort of the justice which seemed to be due to Major Boles. It has become less necessary to fulfil the pledge of giving in my explanations, because the paragraph handed to us by the right honourable the Board of Commiſſioners on the 13th February laſt, meets my opinions much more even than the vote to which I was a party, yet the prudent and public explanation of the Directors, who have so much responsibility, is due at this time. They cannot take the line of indifference, and their public sentiments firmly, justly, and impartially expressed, will be likely for ever to preclude the recurrence of those agitations which have lately discredited the Madras Army. As an individual Director, I beg distinctly to mark the lines of my own conduct and opinions; I lament over infatuation, revolt and criminal proceedings of so large a proportion of the Madras officers; who can vindicate or even palliate mutiny, such as theirs has been, at least subsequently to the 1st May 1809? If they had ever been good officers, and such it is well known they once were, long before this they have been aſhamed of their rebellion, and no circumstances even more irritating than those which have occurred, can be an apology for their un-officer like proceedings.

These are the sentiments I avow; the duty of a good soldier is to be as firm and patient in bearing temporary injuries and mortifications, as in facing a cannon; loyalty and obedience, and passive virtues, as much as active energies, are the glory of a soldier. The Madras Army, who have conquered their enemies, had failed to conquer themselves on the late occasion. But feeling these regrets, I

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must admit with regard to the case of Major Boles, that he was suspended by the Governor of Madras without any cause, against the plain rules of justice, and in a hap-hazard way, without enquiry, without trial, without evidence against him, which proved too strong a temptation to minds already inflamed, and by which Sir G. Barlow made Major Boles the rallying point to the disaffected. Men under such grievous infatuation, wanted but a plausible pretext to deceive themselves, and deceive others, and that pretext Sir G. Barlow afforded them, by his General Order of the 31st January 1809. His injury to Major Boles roused a spirit of disaffection, which at length broke forth in actual revolt. Here let me observe, that Sir George Barlow, and the Court of Directors have suspended Major Boles, this unoffending officer as I deem him, at different periods, upon different grounds. One party for signing and circulating the Military Order of the 28th January 1809, and the other party for his conversation with Major General Gowdie, as appears by the 9th Paragraph of the Court's Letter to the Government of Fort St. George, 29 Sept. 1809. I shall hereafter consider both these charges. The Court once and again have inclined to the merciful side, first revoking Sir G. Barlow's act of suspension and afterwards their own. Thus has Major Boles been hung up on the tenter-hooks of anxiety. He has been black and white, and black and white again. I argue from all this, that when you depend upon secret whisperings, when you punish first, and enquire afterwards, when you lay hold of the first man that comes in your way, and commit him to poverty and infamy, in order to put down disaffection to the Government, you will stir its embers, rather than quench its flame; but the wisdom of the Court has prevailed; we have expected evidence which we have not received, we have gone through much reading, but met with no facts that warrant condemnation, many documents for a time were withheld by the Madras Government, which ought to have been transmitted, and we do late justice to Major Boles, proving that real grievances, where they exist, will be ultimately redressed, though time must be lost from the distance between our Indian possessions, and the controling power of the Court of Directors.

One great error of Sir George Barlow, has been the refusal to lend a patient ear to alledged grievances, for though these perhaps have been but imaginary, he should have listened himself, and should have forwarded any temperate appeal to the Court of Directors; when hope is cut off from the human mind, when there is no tribunal at which just claims may be distinguished from presumptuous demands, despair, derangement, infatuation, is the consequence. Men will bear to have that refused to them, which they have eagerly sought, if a previous investigation has taken place; these delicacies of the human mind, Sir George Barlow does not seem to understand.

I now go to consider the Military Order of the 28th January 1809, for signing and circulating which, Sir George Barlow suspended Major Boles on the 31st of the same month, and of which suspension the Court disapproved, in their Letter of the 15th September 1809. It seems, that Major Boles had little to do with it beyond signing his name, according to the customary routine of the office. It was the Order of Lieutenant General Mac Dowall, his Commander in Chief; there were no broad characters of illegality on the face of the Order. It went to censure an officer under the command, and on the personal Staff of Lieutenant General Mac Dowall. It complained, among other things, of personal disrespect from that officer, to himself at the head of the Army. That censure might be right or might be wrong, in a discretionary point of view, but Major Boles was not the umpire to decide this.

Is the duty of a soldier to obey or to deliberate? Can I condemn Major Boles when I think that in like circumstances I should myself have circulated such an Order, I would not have written it, as did Lieut. General Mac Dowall, but I should have circulated it, as did Major Boles. I have a high sense of the duty of obedience in the military character. Lieut. General the honourable T. Maitland, Governor of Ceylon, in a letter dated August 1809, with this case under his contemplation, seems to imply that had he been the ministerial Agent as Adjutant or Deputy Adjutant General, he must have signed and circulated such an Order; his forcible words are, "The Adjutant General is as much bound to obey the Orders of his "Commander in Chief, as a Brigade Major the Orders of a Brigadier, an Adjutant "the Orders of his Commanding Officer, or a soldier the Orders of his Captain; "I can then draw no line between him and the lowest soldier, the same law applies

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" to all, and when we come to construe that law, the same latitude must extend " to all." The Honourable the Lieutenant General further says, with reference to Major Boles as to this identical question, " The only good that could have accrued " from adopting the measure of disobedience, would have been the raising, by an " *individual*, the unfortunate question which has since been raised by *the Govern-* " *ment* itself."

General Stuart, Sir John Cradock, Lord William Bentinck, and other distinguished General Officers whom the Court has consulted, all speak with one voice as to the right which a Commander in Chief has to circulate at his own discretion, without consulting any party, such Military Orders as he deems necessary. General Stuart states these words: " During the period that I had the honour of com- " manding your Army at Fort St. George, I never doubted the exclusive " authority which I possessed as Commander in Chief of the Forces, to issue " to the Army all Orders strictly military, which did not involve the expenditure of " public money, and I never did submit to the Governor nor to the Governor in " Council, for their previous approbation, any Military Order which I issued to the " troops."

Lieut. General Sir John Cradock states these words: " In respect to the common " detail and discipline of the Army, the propriety of submitting them to the " Governor or President of the Council, never entered into my contemplation, no " more than the Commander in Chief in England, Scotland or Ireland, would feel " the necessity of consulting the Government on such subjects."

Lord William Bentinck, late Governor of Madras states these words: " The " approbation of the Governor was never considered to be wanting but for the " publication of the Orders within the Fort. It often happened that to the rest of the " Army, the Order had already been made known before it was sent to the Go- " vernor." This is exactly the case in point with respect to the Order issued under Major Boles's signature on the 28th and 29th January 1809. Thus do these General Officers all agree, as well as other General and Staff Officers who have given us their opinions, that the approval of the Governor to a Military Order was not necessary to be required.

The Order of 28th January 1809, was military or not military, legal or illegal. I answer, it was certainly military and not illegal on the face of it. By the Mutiny Bill, an officer as well as soldier is bound to obey all lawful commands of his superiors, and Major Boles would have been amenable to the punishment of death if he had refused to obey lawful orders. Such was his case.

All Parties seem to agree that the Order of 28th January was not illegal on the face of it; the Board of Commissioners, in the paragraph sent to us on the 13th February, admit this; the Directors generally admit this, many call it indiscreet, so it might be, but indiscretion is not illegality. If it was the legal Order of his lawful Commander in Chief, then his punishment was death if he did not obey it. I do not say that a Court Martial would have inflicted this punishment upon him, probably they would not, but he was amenable to such punishment in the case of disobedience, according to the strict and severe letter of the law. Tell me not that he ought to have calculated the discretion and wisdom and propriety of this Order; Lieutenant General Macdowall had all the responsibility of this on his own head, not Major Boles; a calculating soldier, one who debates, deliberates, hesitates, and at length chuses whether he will obey or not obey, is a dangerous ingredient in an Army; an official instrument, who is more than one instrument, and can stop an Order according to his discretion, weak as it may be, is a dangerous character in an office. I admit that the civil power is above the military, but it is full of risk to teach an Army to pass by its General, and respect the civil power alone, whose Orders should be given from the General in the several gradations and links down to the Corporal. Though I would uphold the civil power, I would not pull down the military. I lament that General Macdowall had not a seat in the Council; the soldier's movement of mind and body should ever be quick and decisive, not looking to any thing out of his profession.

If the Adjutant and Deputy Adjutant General have such arduous duties to perform, if they are to enter into nice disquisitions, and to settle difficult controversial questions, they should keep a legal adviser in their office, and store it with law books and political treatises.

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You hereby put these Agents, hitherto deemed so, above the Commander in Chief, or even above the Governor himself; the Deputy Adjutant General is to rule India by these doctrines, he may hold in contempt one party or the other party, the scales of decision are in his office; he may say, so far go the privileges of the Commander in Chief, upon this ground stands the prerogative of the Governor in Council, I will decide between their quarrels. It is not enough to wait till the Governor in Council gives me an Order paramount to any given by the Commander in Chief. I will anticipate his wishes, I will dive into his Councils. I will act his character, I will invent a line of conduct for him. They may look upon me as a subordinate, but I am greater than the Commander in Chief or than the whole Army; I am the representative of the Governor or even the Governor General, in whom the ultimate power resides; where will be the end of such reasonings, and where shall we stop?

Gentlemen, I maintain that it was the duty of Major Boles, on receiving an Order such as he did from Colonel Capper on the 28th January, the principal of his office, and signed by the Commander in Chief, not to deliberate, as there was nothing illegal on the face of it; I believe he did not deliberate, but acted from an honest impulse, prompted by the supposed duties of his office at the moment. But if thoughts would cross his mind if he submitted to reason out of his military and official character, might he not thus have argued within himself. General Macdowall and Sir George Barlow are at variance, I am neuter betwixt them; I have a plain duty to perform, to follow Orders and in all cases to obey. I lament the animosities between the Governor and the Commander in Chief; but now these are likely for ever to terminate, my lawful Commander in Chief, whom I am sworn to obey, puts off to sea, and has sent me his last words in his own hand-writing and with his official signature, while still holding a Commission over me. He claims for himself a right to censure an officer of his own staff, though it may not please the President of the Council. If I were to arbitrate and settle this dispute I should go out of my line, and give a meaning and consequence to the Order dangerous to the public safety. I should fix upon it an interpretation which at present is but dubious and latent, and I should fan that flame which no doubt will subside at the departure of the Commander in Chief. Is there any thing unnatural in this mode of reasoning, which I term innocent, if any reasoning can be vindicated.

But I believe he deliberated not at all, like a good soldier and a quiet man. For one ministerial act done in a moment, for circulating this Order of the 28th January, so given to him by Colonel Capper, so written in the hand-writing of the General at the head of the Army, and with a special Order to circulate it that night, Major Boles is at once suspended by Sir George Barlow, both from his staff appointment and the service. Now I think it very important, and that justice requires we should pause here, and consider what Major Boles was before he received and circulated the Order in question. In his whole previous life, not one word spoken by him, or one action done by him, is brought against this officer, or attempted to be brought in proof of his disloyalty or disaffection, or even in proof of his having espoused the cause of Lieutenant General Macdowall.

Colonel Capper, we find, had been put over the head of Major Boles by that very General Macdowall, when the principal to the office was appointed.

Further it is declared, on the affirmation of Major Boles, and such an affirmation I will believe, for if false it could be contradicted, that he (Major Boles) never dined but twice at the table of Lieutenant General Macdowall, who was a social man, and liberal in his entertainments. Is this like hatching sedition or abetting any secret designs of the Commander in Chief?

Further, when a Committee was appointed to present a piece of plate, voted on the 2d January 1809, to Lieutenant General Macdowall, by some European gentlemen of Madras, the name of Colonel Capper stands on that Committee; but the name of Major Boles does not appear among those who were most forward so to compliment the Commander in Chief.

Further, Colonel Capper is dead; but when alive he told you, through Sir George Barlow, with an honour becoming a soldier, that if guilt there was, he was the guilty person, for this he (Capper) was also suspended; but Major Boles, who at hap-hazard was the first victim, never had *his* suspension taken off by the Governor of Madras.

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Further, the severe charge against Major Boles, that he signed the Order himself *purposely* for the Governor of Madras, on minute examination turns out to be founded in mistake.

It is at length fully discovered, that Colonel Capper in his own person *accidentally* sent a printed Order to the Governor, signed T. Boles, only because he (Capper) could not find any one left in blank which he could sign himself, therefore Colonel Capper virtually, and not Major Boles, sent this offensive document to the hands of the Governor. Major Boles was never any thing more than an instrument, signing the Orders for the stations in the accustomed way, under the direction of his superior in office, which superior in office was also another instrument under General Macdowall.

Further, the Court of Directors disapproved at the first of the conduct of Sir George Barlow in suspending Major Boles from the service, proving, from their own Letter of the 15th September 1809, that they then thought the measure was unjustifiable; though within fourteen days they found another, and quite a separate and singular cause, for the same severity on the part of themselves.

Such is the guilt, such is the disaffection, such is the plot charged upon this officer, loyal, peaceable, meritorious in the opinion of every one up to the moment when he signed the Order in question.

On Saturday the 28th January 1809, in the afternoon, Major Boles in a moment became a rebel and mutineer, or, in milder words, disaffected; but I call him a rebel and a mutineer, because he was appointed to suffer a severer sentence than some of those taken with arms in their hands, who were pardoned by Lord Minto, which pardon no doubt will be confirmed by the Court, and I cannot suppose there is any disposition to set it aside.

I must now advert to the reason assigned by the Court of Directors for suspending Major Boles, and this is more extraordinary in my judgment than all that has preceded.

In regard to the Military Order of the 28th January, he had neither blame nor merit; he did his official duty and no more, and when he had lost his bread, and with the Government had lost his honour, and when his bread and his honour (his false honour) were proffered both together, like every other military man of high spirit, he disdained the proposal; he gave up the fruits of twenty-three years hard service; he courted poverty; he hoped for justice from the Court of Directors; he found it not at first; but as innocence is ever righted, and truth and justice ultimately prevail, we have restored him at length to the service. With such views as I have taken, I am one Director who voting as I did to get a more general concurrence, so far yet thought that Major Boles, if innocent, ought not to have been restrained from proceeding immediately to his duty.

If he is that officer which I take him to be, he will forget the temporary injury he has sustained.

The Madras Army has been formerly noted for its good order, its gallant deeds, and its approved loyalty. Sir George Barlow, a witness against himself, in his General Order of 1st May 1809, acknowledges that they had long been distinguished for their zeal and discipline; what has made the change? It has been seen how acts of severity, inconsideration and injustice, may mislead a large body of men. The unwary, yet well-intentioned, have been united with the profligate. No apology can be admitted for any of those who have so forgotten their duty. I am neither a defender of factious or mutinous officers on the one hand, nor the upholder of injustice, or even of untempered harshness, on the other.

That there should be abettors for sanctioning and continuing the suspension of Major Boles in the Court or out of it, has surprized me; what I will say in favour of those Directors from whom I have differed is, that they have vacillated and changed, and resolved and unresolved, and not seemed firm in their steps; that they have expected to get evidence, but have not found any. More surprized I am, that they were not content with their work of lenity, when they once had done it, but that they went into the secret retirement of Lieut. General Gowdie and Major Boles, and there found them together, and thought they saw the latter brewing his treason and insurrection before the face of the venerable General, who *unauthorized* offered the amnesty

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amnesty of Government to him also, if he would but ask pardon, and say he was sorry for what he had done—easy terms—soon said—but honour, and the dignity of the military character, could not pronounce the short sentence; a cowardly or dishonourable mind, such as traitors have, would easily have said it; but he could not do so, even with a mental reservation. To the honour of Major Boles, he would not go back to his profession so discredited, which profession would have borne a stain from that moment had he sacrificed truth to his military emolument.

I wish to signify, that on one occasion I blame Major Boles; I do blame him for receiving, as I fear he has done, though it is no where on proof, the contributions of officers ill-inclined at the time to the Governor, or of any military confederacy, but who in like manner oppressed, would not have done as Major Boles has done. Those who offered, and he who received, were equally criminal; here I lay my hand, and blame Major Boles; I would have bid him starve, though that is a hard command; whatever apologies you may make for him, admit that he looked to his ruined family, he ought to have declined to have been so sustained, he should rather have begged from house to house, cruelly put out, as he was, from an honourable profession, than have yielded to offers which others made to him; for I believe his own words, that he never made his injuries a subject of reference to the Army, or to any part of it, and that he never provoked the Address, nor the relief that was offered.

In regard to some part of the language of his Memorial, it is perhaps not as *respectful* as is due from an officer to his superiors; but I can more forgive this circumstance, arising from the irritation of a mind that felt itself aggrieved: and although I lament that General Gowdie, for any cause, was induced to report a private conversation, which he set on foot himself, and which has brought on such serious consequences to Major Boles. The known gallantry of that General, the high estimation in which he is held by the Army, and the responsible situation he fills, would make me speak of him personally only with respect, though differing from my worthy colleagues, who approve and have acted *to such an extent* with Major General Gowdie, in all that extraordinary conversation that took place, I do enter my protest against the prudence and entire liberality of that unfortunate interview. I beg pardon of the Court, for having troubled them at so great a length. It is a liberty I have not often ventured upon, and shall not often take, but the importance of being well understood, and not misrepresented; the cause of justice, the fate of India, the criminal conduct of some officers, and, if I may use a tender word, the infatuation of others, the hard, but now reversed, sentence of Major Boles, and the errors of the Government, all call upon me to be explicit, to meet the truth as it appears to my eyes, after full investigation, to declare before the world, and particularly to avow to my constituents, the sentiments which I entertain.

I have the honour to be,

Gentlemen,

Your very obedient,

humble servant,

ROBT THORNTON.

East India House,
27th February 1811.

—No. 12.—

Copy of a LETTER from Lieutenant Colonel ROBERT BELL, to Lord MINTO; dated the 2d June 1810.

To the Chairman and Directors of the Honourable
The United East India Company.

No. 12.

LETTER from Lieut. Col. R. Bell to Lord Minto, &c.

Honourable Sirs,

HAVING seen, in the public papers, that it is the intention of your Honourable Court to proceed to the investigation of the cases of those military officers in the Company's service, whose situations have been affected by the General Orders of the Madras Government of the 1st of May 1809, and having received by the last ships from Bombay the enclosed copy of a Letter from my relation, Colonel Robert Bell, of the Madras Artillery, to the Governor General, dated 2d of June last, in the *hand-writing* of the *Colonel*, I beg leave to lay the same before you, in case a similar or other copy of it should not have been transmitted to your Honourable Court by the last dispatches.

This document appears to me to be very material, with the view to the expected investigation of Colonel Bell's case, which I presume to hope and trust will be found to be deserving of your early favourable consideration and decision.

I have the honour to be,
&c. &c. &c.

Aldersgate-street,
17 Nov. 1810.

(Signed) *Hu. Bell.*

To the Right Honourable GILBERT Lord MINTO,
Governor General, &c. &c. &c.

LETTER from Lieut. Col. R. Bell to Lord Minto.

MY LORD,

FEELING that I have a claim to your Lordship's attention, I do not hesitate to address you. On the 23d May, being a fortnight after your Lordship's departure from Madras, I had the honour of an audience of Sir George Barlow, in consequence of an application to him for that purpose.

I acquainted Sir George that I had been induced to request the interview from a communication made to me by your Lordship, some months before your departure, respecting the restoration of my military functions. He said he had been made acquainted with every thing that had passed on the subject between your Lordship and myself; that such had been the determination, but that in consequence of my requesting that my Address to your Lordship of 6th November, might be forwarded to the Court of Directors, the resolution of restoring me to military command was not to be carried into effect.

I asked Sir George Barlow if there was in the Address any thing offensive either to Government or to individual authorities? He said "by no means;" but the principle of appealing against an act of the Government, had prevented my restoration. I remarked, that the only appeal in the Address was for an investigation; that even at the moment I was speaking, I was ignorant of what had been said against me; and that as the Address had been prepared previous to your Lordship's communication respecting the intended restoration, and your Lordship had given your sanction to the Address being sent home, as an explanation of my case; I could not but feel that I was entitled to expect from your Lordship an intimation of such a change in the determination of Government respecting my restoration; when you had assured me more than once, that it would take place immediately

immediately on your departure from Madras, and was to be an act of Sir George Barlow's.

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Having expressed my surprize, that your Lordship had not done me the honour to signify to me your subsequent resolution, Sir George Barlow said, he could not charge his recollection positively, but thought your Lordship had told him that I had been made acquainted with it. I assured Sir George, that until he mentioned the circumstance, as the cause why my restoration had not taken place, I had not the most distant idea of it. I begged to know, if there was any other cause, but that before stated, for the change of determination; and he said, "none whatever," adding, that the principle rendered it necessary. I then asked Sir George, if he had any objection to my communicating to your Lordship what had then passed, and he said, that he had not.

I will not presume to make any observation on the cause assigned for my present mortifying disappointment, but will merely beg leave to call your Lordship's recollection to some circumstances, which will shew the very painful reflections which I must experience on this occasion, in not having been restored to my military functions, and from not receiving any communication from your Lordship of a change of your determination on this point.

On the day your Lordship first made the communication to me, I mentioned having prepared an Address for your Lordship, which I had then with me, and with your permission would shew it you, which your Lordship assenting to, I had it brought from my carriage, and presented it; but one of the numbers of the Appendix not being complete, and as some point in discussion rendered a more full explanation on the Address requisite, I requested your Lordship would allow me to take the Address back, and that as soon as the Appendix was completed, I would have the honour of presenting it again, which I accordingly did.

On your Lordship making known to me the intention of Government, I stated, that although restored in this Country, I considered it necessary for me to satisfy the Court of Directors of every circumstance relating to the assigned cause for my removal from command. That I had no fortune, but a large family, and that my only prospect of providing for my sons was in the service of the Honourable Company; and therefore I wished to make the fullest possible explanation of my conduct to the Court; your Lordship agreed most fully in the propriety of the step, and of yourself mentioned, that the above stated Address might, if I wished it, be forwarded to the Court of Directors. My Letter of 10th January, requesting that the Address might be transmitted to the Court of Directors, most clearly shews, that the intention was to convey a full statement of facts, essential for the perfect comprehension of the case, and entirely corresponding with my expressions to your Lordship. Of that Letter the following is a copy:—

To the Right Honourable Lord Minto,
Governor General, &c. &c. &c.

My Lord,

On the 6th November I had the honour of addressing your Lordship, on the subject of my removal from military command and charge under the G. O. of 1st May last.

As that Address, with the documents annexed thereto, comprizes every matter within my knowledge relating to the cause assigned for the suspension of my military functions; I have the honour to request, that the Address and Appendix may be transmitted to the Honourable Court of Directors in duplicate by the present dispatch.

I have the honour to be,
&c. &c.
Robert Bell,
Lt. Colonel Commandant.

St. Thomas's Mount,
10th January 1810.

Since the 10th January, the date of the foregoing Letter, I had not the honour of an interview with or communication from your Lordship, if therefore this Letter

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was considered so objectionable in its principle as to urge a change in your determination respecting my restoration, I had under every circumstance of the case (which had been entirely confidential and secret according to your Lordship's desire) fair reason to expect an intimation of your Lordship's intention to rescind your former resolution.

Your Lordship, I trust, will be convinced, that I considered it a point of duty to apply for an audience of Sir George Barlow, under the strongest persuasion that the replacing me was, as your Lordship had informed me, to be an early act of Sir George Barlow, after your Lordship's departure from Madras.

As in the various confidential communications which I have had the honour of being admitted to by your Lordship both in Calcutta and at Madras, I conscientiously discharged my duty in making you acquainted with every point relating to the circumstance of my Memorial, and the extraordinary facts connected with that unlooked for event; and as your Lordship's assurance of restoration left me free from doubt on that measure, so important to my honour, to my character, and to my family, I trust I shall stand excused in expressing a confident hope that your Lordship will consider the painful and mortifying situation in which I am now left, and afford me that relief which is in your Lordship's power, by restoring me to my military functions and command, conformably to your Lordship's declared intention, after a full and deliberate consideration of the whole case, supported by evidence and facts, which could neither mislead or misrepresent.

I have the honour to be,

&c. &c. &c.

(Signed) *Rob. Bell,*
Lt. Col. Comm^{t}.

St. Thomas's Mount,
2d June 1810.

I declare and attest this (copy of a) Letter to the Right honourable Lord Minto, Governor General, from Colonel Robert Bell of the Madras Artillery, to be in the proper hand-writing of the said Robert Bell.

London,
17th Nov. 1810.

(Signed) *Hu. Bell.*

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